



1. **Home inspections:** Was a home inspection done? Home inspections are done BEFORE a buyer signs a Contract of Sale. Buyers are purchasing the property "AS IS."
2. **Contract Issues:**
 - **Personal Property:** Make a list of specific items the buyer wants to include and exclude from the sale.
 - **Down Payment:** All buyers' attorneys want the buyer to put down as little at the contract signing as possible in case of litigation later.
 - **Premises:** Remember, the property is sold "AS IS," so before the buyer signs a Contract of Sale, the buyer's attorney is going to want the buyer to do a home inspection.
 - **Mortgage Contingency:** A buyer has between 30 and 45 days to obtain a mortgage commitment from the date a fully executed contract is received by the buyer's attorney. The Mortgage is only contingent upon "a satisfactory appraisal by the bank." A FIRM COMMITMENT under the contract of sale is when the appraisal comes in satisfactory to the lender.
 - **Funding Contingency:** In the event the lender fails or refuses to fund the loan for any reason not due to Buyer's fault, the in such an event, the buyer shall be entitled to the immediate return of the full contract deposit and this Contract shall be deemed null and void with neither party having any further rights or responsibilities to the other.
 - **Title Report:**
 - a. *Violations:* The Contract must state you are buying the property free from all violations as of the day of closing or the buyer can potentially lose his/her down payment.
 - b. *Certificate of Occupancy:* The Contract must state the property and all auxiliary structure located on the premises have a valid certificate of occupancy if one is required by the municipality, If not, the buyer can potentially lose his/her down payment.
 - **Tenants:** Buyer's counsels do not want a buyer to sign a contract with a possession agreement.
 - **Seller's Concession:** Seller shall provide Buyer with a seller's concession of [some dollar amount] at the time of closing. The Purpose of the concession is to provide the Buyer with funds for expenses at closing. Buyers agree to adjust with the sellers at closing for any increase in the NYC and NYS transfer taxes due to the seller's concession.
 - **Short Sale Clause:** In the event the short sale is not approved within 4 months of the contract date, then either party may cancel the transaction and the buyer shall have the right to the return of the down payment.
 - **FHA Repair Rider:** In the event the Buyer's lender requires any repairs to be made in order to set a closing date, then in such event the Seller shall have the option of either making the required repairs or the Seller shall promptly return the full amount of the Buyer's down payment. In the event the Buyer's down payment is returned, then this Contract shall be deemed null and void and neither party shall have any further rights or responsibilities to the other.
 - **Changes:** Bank wants all hand-written changes to be initiated by all parties.