



Missing Contract-Related Time Periods

Offers Made Using RPA Expire

- ▶ Paragraph 32, offer is deemed revoked unless:
 - ▶ Seller signs AND
 - ▶ Personally received by Buyer (or designee) no later than 5 PM on third day after the offer was signed by Buyer or on other specified date in paragraph 3C of the RPA
- ▶ Late acceptance is not binding!

Property Address: _____ Date: _____

32. OFFER

A. EXPIRATION OF OFFER: This offer shall be deemed revoked and the deposit, if any, shall be returned to Buyer unless by the date and time specified in **paragraph 3C**, the offer is Signed by Seller and a Copy of the Signed offer is Delivered to Buyer or Buyer's Authorized Agent. **Seller has no obligation to respond to an offer made.**

B. ENTITY BUYERS: (Note: If this paragraph is completed, a Representative Capacity Signature Disclosure (C.A.R. Form RCSD) is not required for the Legally Authorized Signers designated below.)

(1) One or more Buyers is a trust, corporation, LLC, probate estate, partnership, holding a power of attorney or
 Other: _____

(2) This Agreement is being Signed by a Legally Authorized Signer in a representative capacity and not in an individual capacity. See **paragraph 2B** for additional terms.

(3) The name(s) of the Legally Authorized Signer(s) is/are: _____

(4) If a trust, identify Buyer as trustee(s) of the trust or by simplified trust name (ex. John Doe, co-trustee, Jane Doe, co-trustee or Doe Revocable Family Trust). If the entity is a trust or under probate, the following is the full name of the trust or probate case, including case #: _____

C. The RPA has 16 pages, Buyer acknowledges receipt of, and has read and understands, every page and all attachments that make up the Agreement.

D. BUYER SIGNATURE(S):

(Signature) By, _____ **Date:** _____
 Printed name of BUYER: _____
 Printed Name of Legally Authorized Signer: _____ Title, if applicable, _____

(Signature) By, _____ **Date:** _____
 Printed name of BUYER: _____
 Printed Name of Legally Authorized Signer: _____ Title, if applicable, _____

IF MORE THAN TWO SIGNERS, USE Additional Signature Addendum (C.A.R. Form ASA).

Parties Can Agree After Expiration

- ▶ If both parties agree, late acceptance can be binding:
 - ▶ In writing, extend date and time of expiration of offer OR
 - ▶ Waive expiration of offer by conduct
- ▶ Conduct that may be considered a waiver and intent to be bound:

- 1 buyer making deposit
- 2 buyer paying for inspections,
- 3 seller providing disclosures and reports
- 4 buyer and seller negotiating over repairs



Counter Offer = Rejection of the Offer

- ▶ Counter offer is a rejection of the offer and a new offer
- ▶ Counter offer is not an acceptance subject to modified terms
- ▶ Counter offer is a new offer based upon the original RPA terms plus or substituting terms



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SELLER COUNTER OFFER No. 1
May not be used as a multiple counter offer.
(C.A.R. Form SCO, Revised 12/21)

Date _____

This is a counter offer to the Purchase Agreement, OR Buyer Counter Offer No. _____, Other _____ ("Offer"), dated _____, on property known as _____ ("Property"), between _____ ("Buyer") and _____ ("Seller").
Buyer and Seller are referred to as the "Parties."

1. **TERMS:** The terms and conditions of the above referenced document are accepted subject to the following:

- A. The Liquidated Damages and Arbitration of Disputes paragraphs in the Offer each require initials by all Parties. If either of those paragraphs is not initialed by all Parties, that paragraph is excluded from the final agreement unless specifically referenced for inclusion in paragraph 1C of this or another Counter Offer or an addendum.
- B. Unless otherwise agreed in writing, down payment and loan amount(s) will be adjusted in the same proportion as in the original Offer, but initial and increased deposit amount(s) shall remain unchanged from the original Offer.
- C. **OTHER TERMS:**

- D. The following attached documents are incorporated into this Seller Counter Offer when Signed and Delivered by both Parties (if both parties do not Sign and Deliver all attached addenda, then any acceptance of this Seller Counter Offer is not valid):
 Addendum No. _____ (C.A.R. Form ADM)

Extension of Time to Counter Offer

Practice tip:

Expressly extend time to accept RPA until the date and time of seller's signature on the seller's counter offer in Section C of the Counter Offer

C. OTHER TERMS: We accept your extension of 30 days to accept the RPA and have your seller sign the counter offer.

The RR and RRRR Forms Don't Expire

The Request for Repair forms must be signed by the expiration period.



REQUEST FOR REPAIR No. _____
(Or other Action)
(C.A.R. Form RR, Revised 12/21)

Date Prepared: _____

In accordance with the terms and conditions of the Purchase Agreement, or Other _____
dated _____, on property known as _____ ("Agreement"),
between _____ ("Property"),
and _____ ("Buyer"),
and _____ ("Seller").
Buyer and Seller are referred to as the "Parties".

1. BUYER REQUEST (Check all that apply): (Note: Seller has no obligation to respond to Buyer request.)



**SELLER RESPONSE AND BUYER REPLY
TO REQUEST FOR REPAIR No. _____**
(Or other action)
(C.A.R. Form RRRR, Revised 12/21)

In accordance with the terms and conditions of the Request For Repair No. _____ dated _____, on property known as _____ ("Property"),
between _____ ("Buyer"),
and _____ ("Seller").
Buyer and Seller are referred to as the "Parties."

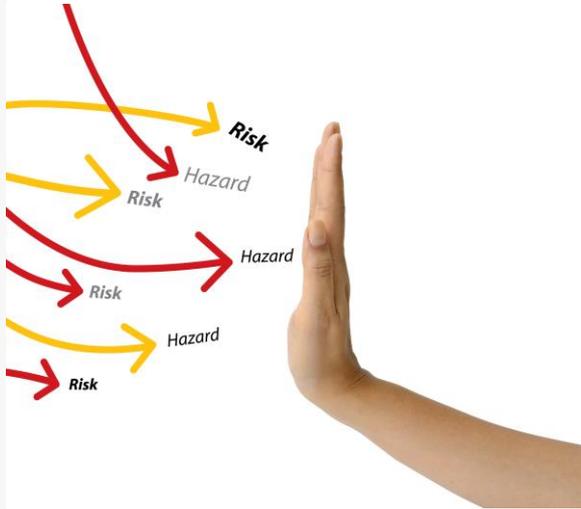


An Amendment of Existing Agreement Terms (Form AEA) Expires

- ▶ An AEA automatically expires at 5 PM on the 3rd day after the offer is made
- ▶ Late acceptance is subject to the same terms as the RPA
- ▶ AEA has less risk of waiver since Buyer will have generally already made a deposit, opened escrow, performed inspections and possibly negotiated repairs



When Seller Will Not Sign RPA Timely



- ▶ Do not sign the RPA for the Seller. Period...even with verbal authorization
- ▶ Do not have client back date signature
- ▶ Do not have one client sign for another without a Power of Attorney
- ▶ Do not give a verbal acceptance or promise your client will sign

Additional Resources



Quick Guide

Legal Effect of Missing Contract-Related Time Periods