

Legal Questions & Answers

February 2018

Question: If a transaction has been terminated after the home inspection has been completed, is the seller allowed to provide a copy of the home inspection report to future buyers? Does the seller have to obtain consent from the original buyer in order to share the report?

Answer: The seller is entitled to share the home inspection report with third parties, including future buyers, as the sale agreement does not limit use of the report and does not require consent from the first buyer. However, the inspection report likely restricts the original buyer from sharing the report with third parties or prohibits third parties from relying upon it. This should not impact the seller, but could result in an issue between the inspector and original buyer.

Question: If a buyer submits a counteroffer and later decides that he or she wishes to accept the seller's original counteroffer, can the buyer withdraw his or her counteroffer?

Answer: The buyer's counteroffer acts as a rejection of the seller's counteroffer. Accordingly, the buyer cannot now withdraw his or her counteroffer and accept the seller's previous one. If the buyer wishes to submit a new offer, he or she may do so.