

FINAL WALKTHROUGH INSPECTION

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One more step to take just prior to signing documents and close of escrow. Buyers are strongly encouraged to conduct a final walkthrough inspection of the property they are about to purchase. This is the last opportunity to address any outstanding problems or issues.

Depending on the circumstances at the time of the walkthrough, i.e., whether the house is vacant, still occupied, the sellers have left town already, etc. and depending on the experience during the escrow period, the buyer will have to decide precisely how long before signing papers this inspection should be scheduled. By standard contract language, a period of within five days prior to settlement is provided. In practice, generally speaking, 24 hours prior to scheduled signing is probably a good way to go.

That can leave enough time for any final issues to be dealt with to everyone's satisfaction, while providing only a limited amount of time for anything to change adversely. There is also a case to be made for doing the final walk through immediately prior to scheduled settlement. It's the buyer's decision.

So, calm down and try not to be too excited about your new home, and take a careful and close look at the entire property objectively. Walk around the entire outside of the house and look at the roof, the walls, and the windows and screens – all of the structural components. Make sure the grounds are in good order. Really slow down and make good observations. This is not the time to be thinking about the new landscaping you are planning or the new drapes you'll be buying. This is the time to make certain that you are about to receive what you thought you were, and that there aren't any major defects you didn't know about.

To the extent feasible, make sure all appliances are in working condition.

Check the heating and air conditioning systems. Check everything that you want to check!

Verify that all repairs that were supposed to have been done are done in an acceptable workmanlike manner. Double-check to make sure that all fixtures that were there when you signed the contract are still there – light fixtures, installed fountains, hardware on cabinets and doors, bathroom fixtures, etc. And if there was any personal property that was supposed to convey, make sure it is there and in good condition. Ensure that any other things that were agreed to by all parties have been accomplished.

Buyers may even choose to hire their home inspector to assist in this inspection if they feel it is warranted. This may be particularly useful if there were repairs that were agreed to and the buyer does not feel capable of evaluating the effectiveness of the repairs. Normally, however, this inspection is just a visual confirmation that everything is in acceptable condition and ready for possession by the new homeowner.

If problems are found during the inspection, there needs to be timely and effective communication with the sellers and resolution sought prior to moving forward.

The standard Maryland Association of REALTORS® Residential Contract of Sale provides certain protections for buyers related to the condition of the property at the time of transfer of possession:

22. CONDITION OF PROPERTY AND POSSESSION:

At settlement, Seller shall deliver possession of the Property and shall deliver the Property vacant, clear of trash and debris, broom clean and in substantially the same condition as existed on the Date of Contract Acceptance. Buyer reserves the right to inspect the Property within five (5) days prior to settlement.

EXCEPT AS OTHERWISE SPECIFIED IN THIS CONTRACT, INCLUDING THIS PARAGRAPH, THE PROPERTY IS SOLD “AS IS.”

The obligations of Seller as provided in this paragraph shall be in addition to any Disclosure and Disclaimer Statement as required by Section 10-702, Real Property Article, Annotated Code of Maryland and any provision of any inspection contingency addendum made a part of this Contract (See Property Inspections Notice).

Upon settlement - once papers are signed and recordation of documents seals the close of escrow – it will probably be too late to get the seller to do anything further.

Take advantage of this opportunity to perform a final walkthrough inspection.

DISCLAIMER

John P. Hale is a licensed real estate agent in Maryland and Pennsylvania. He is affiliated with Coldwell Banker Residential Brokerage in Westminster, Maryland. John has been licensed since 2000 and also practiced in Tucson, Arizona for many years. Mr. Hale holds the following designations and certifications awarded by the National Association of REALTORS® (NAR) and other authorized institutions: ABR-Accredited Buyers Representative, AHWD-At Home With Diversity, CNE-Certified Negotiation Expert, CRMS-Certified Risk Management Specialist, CRS-Certified Residential Specialist, CTA-Certified Tourism Ambassador, e-PRO-Online Real Estate Practice, GRI-Graduate of Realtor Institute, MRE-Master of Real Estate, MREP-Mortgage Real Estate Professional, and MRP-Military Relocation Professional.

Please note that this article was written by John to provide objective information and to also reflect his opinion of good practice at the time of its' writing for the general benefit of those considering sale or purchase of real estate. It is not intended as definitive legal advice and you should not act upon it as such without seeking independent legal and financial counsel. Frequent changes in the law and standards of practice may cause this information to become outdated and no longer applicable or incorrect.