BUYER & SELLER CHECKLIST

Signing a property sale? Sign it in ink.

A step-by-step checklist for buyers, sellers and estate agents signing an offer to purchase in South Africa.

Why this matters: under section 2(1) of the Alienation of Land Act 68 of 1981, a sale of land, a house or a sectional title unit has no force unless it is in writing and **signed by the parties**. The ECT Act does not help: it expressly refuses to validate property sales, so even an advanced electronic signature will not do. A sale signed electronically may be **void**, meaning that in law it never existed.

1 Before anyone signs

- [ ] **Print the full agreement, including all annexures.**
  Everyone must sign the same, complete document.
- [ ] **Put every important term in writing.**
  The price, the property description, conditions (such as bond approval) and any special arrangements. Terms agreed only in emails or side discussions can make the whole sale void.
- [ ] **Check written authority if someone signs for another party.**
  For a company, trust or another person, the signatory needs written authority to sign.

2 When you sign

- [ ] **Sign and initial every page in ink, on paper.**
  An ink signature on the agreement itself is the only completely safe method.
- [ ] **In different places? Sign separate identical copies.**
  Each party may sign their own identical copy in ink and email a scan. Scanning a document you have physically signed is just a way of delivering it.
- [ ] **Do not use click-to-sign apps, typed names or drawn-on-screen signatures,** even if an agent suggests it.
  An email sign-off or an "I accept" reply is not a signature for a property sale.

3 After signing

- [ ] **Keep the original ink-signed pages safely.**
  The scans are copies. The originals are your proof.
- [ ] **Sign every change in ink too.**
  An addendum agreed by email or WhatsApp is not enough.
- [ ] **Diarise the dates for conditions.**
  Deadlines such as bond approval usually run from the date of signature.

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4 Which signing methods are safe?

Method	Verdict	Why
Ink signature on the printed agreement	✓ Safe	Meets the Alienation of Land Act.
Agreement signed in ink, then scanned and emailed	✓ Safe	The scan only delivers it. Keep the originals.
Scanned image of a real ink signature placed on the agreement (for example in DocuSign)	! Risky	Accepted by the High Court in two cases, but not yet confirmed by a higher court.
Advanced electronic signature	✗ Not valid	The ECT Act does not validate property sales.
Click-to-sign, drawn on a screen or typed name	✗ Not valid	Purely electronic signatures. The sale may be void.
Email sign-off, "I accept" reply or WhatsApp	✗ Not valid	A name at the foot of an email cannot meet a signature the law requires.

5 Already signed electronically?

- [ ] **Get legal advice immediately.**
  Act before the other party changes its mind. If the sale is void, neither side can force the other to complete it.
- [ ] **Before transfer, re-sign a fresh agreement in ink.**
  This is the safest cure. Remember that dates for conditions will usually run from the new signature date.
- [ ] **Know your fallback rights.**
  Under section 28 of the Alienation of Land Act, money paid can be recovered and the seller may claim reasonable rent for any occupation. If the buyer has paid in full and the property has been transferred, the sale becomes valid despite the defect.

Not sure your offer to purchase is signed correctly?

Our property and conveyancing team will check your offer to purchase, explain your rights and make sure your sale is signed correctly the first time. Call **+27 (0)11 646 0335** or email **roy@bmalaw.co.za**.

This checklist is general information and not legal advice on your particular situation. The law is stated as at 20 November 2026. Based on the article "Can you sign an agreement to buy or sell property electronically in South Africa?" by Roy Bregman, at bregmans.co.za.

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