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THE SUSPENSIVE CONDITION CHECKLIST

For buyers, sellers and practitioners. A sale lapses automatically if a suspensive condition is not fulfilled or validly waived by the agreed date, and a late addendum cannot revive it.

1. When drafting and signing the agreement

Action	Done
Record exactly what event fulfils each condition (for example, written approval of a loan of a stated amount).	☐
Fix a specific date, and preferably a time, for each condition.	☐
State whose benefit each condition is for, and how it may be waived: in writing, to whom, by when.	☐
Include a mechanism for extending the date by written agreement signed before it expires.	☐
Check all material terms are included and both parties sign in wet ink (Alienation of Land Act, s 2(1)).	☐
Record who holds the deposit, where, and who gets the interest if the sale lapses.	☐

2. After signing

Action	Done
Diarise every deadline for buyer, seller, conveyancer, property practitioner and bond originator.	☐
Make sure the buyer applies for finance promptly and keeps the application alive.	☐
Send written proof of fulfilment (such as the bank's grant letter) to the other party and conveyancer before the deadline.	☐

3. When a deadline is at risk

Action	Done
Sign a written extension, in wet ink, by both parties, before the deadline expires.	☐
To waive a condition, deliver written notice in the form the agreement requires, before the deadline.	☐
Do not rely on calls, WhatsApp messages or emails to extend a date or waive a condition.	☐

4. If the deadline has already passed

Action	Done
Treat the sale as lapsed. Do not sign an addendum that "extends" the expired date.	☐
To proceed, sign a new, complete deed of sale with fresh, future dates for every condition.	☐
Repay the deposit as the lapsed agreement provides, and update the conveyancer, bond originator and practitioner.	☐
If the other party refuses to sign, take advice at once on fictional fulfilment or a waiver given in time.	☐

> **Need help?** Call +27 (0)11 646 0335, email roy@bmalaw.co.za or visit bregmans.co.za. *Bregman Moodley Attorneys Inc. Taking the Sting Out of Legal Problems Since 1974.*

General information only, not legal advice. Read with our article "Miss the Deadline in Your Property Deal by One Day and the Sale Is Gone".