



# WASHINGTON REALTORS®

## Legal Hotline Q&A of the Week

From Get the Facts | July 2, 2024

### Question:

Buyer and seller agreed that buyer's inspection contingency would be 5 "calendar" days. It is my understanding, if they hadn't specified "calendar" days, and just said, "5 days", the computation of time provision would have applied, which says: Time periods of 5 days or less do not include weekends or legal holidays. But, because "calendar" days were specified in this offer and agreed upon by all parties, the computation of time counting "days", does not apply. So it wouldn't matter if it landed on a Saturday or Sunday. My understanding is: Acceptance was Tuesday, June 4th, first day is June 5th and expiration is 5 "calendar" days later which would be Sunday, June 9th. Please clarify if I am correct.

### Answer:

Broker is partially correct. Because the agreed language says that buyer's inspection contingency will be "5 calendar days", broker is correct that the portion of the "Computation of Time" provision in the PSA stating that time periods of five days or less include business days only is inapplicable. This buyer's five day inspection period includes all calendar days. However, there is an additional provision within the "Computation of Time" provision stating that if a time period ends on a weekend or holiday, the time period automatically extends to the next business day. That provision was not modified by seller's counter offer of "five calendar days". This means that buyer's five calendar day inspection period includes weekends and holidays but it cannot end on a weekend or holiday. If, for example, day 1 was a Thursday, the period would include Friday, Saturday, Sunday and Monday would be the final day. However, day 1 of this time period is a Wednesday, which means that the period includes Wednesday, Thursday, Friday, Saturday and Sunday but the time period cannot end on a weekend or holiday. Thus, the inspection contingency expires at 9 pm the following Monday.

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