



# LEGAL HOTLINE Q&A

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## Question:

When filling out a form 34 to change the name of the buyer should you still use the name on the original contract at the top of the form naming the parties or should you use the name that it is being changed to in the notes below?

## Answer:

It is not clear how a Form 34 can be used to change the name of the buyer. Is the Form 34 changing the identity of the buyer or truly making a correction to the spelling of buyer's name only? If it is the latter, then Form 34 can be used to correct the spelling and the introductory paragraph of Form 34 should be consistent with the PSA to which the Form 34 is attached. If the purpose of the Form 34 is to change the identity of the buyer, then Form 34 is not sufficient. Instead, buyer should assign buyer's interest in the PSA using a Form 32. Assuming seller did not consent to buyer's assignment in the original PSA, then seller will have to consent to the buyer's assignment of the PSA to the new buyer. Form 34 can be used to evidence seller's consent to the assignment.

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