



MEUMANN WHITE

A T T O R N E Y S

**CAN A PURCHASER WITHDRAW HIS
OFFER AT ANY TIME ?**

Presented by Meumann White Attorneys

We have had a few queries from Estate Agents lately asking whether a purchaser who has committed himself to keep his offer open for a certain period, can withdraw that offer prior to the date specified in the offer.

If an offer contains no date by which the offer must be accepted by the Seller, then the purchaser can revoke it at any time.

However, if as is usually the case the offer sets out that it shall remain open for acceptance until a certain date in the future, then that offer must remain open for acceptance until that date provided that the seller is aware of that date and has accepted that he has a right to consider the offer up to that date. Let us give an example. An agent receives an offer which is open for acceptance to a date three days hence and on the way to see the seller the purchaser telephones on the agent's cell telephone and asks whether the agent has had any contact with the Seller. If the agent has had no contact with the seller whatsoever then the purchaser can withdraw the offer as there has up to that point been no acceptance by the seller of this so called pactum de contrahendo in terms of which both parties have agreed that the offeror undertakes to keep the offer open for a period of time. However, if the agent has contacted the seller telephonically and advised briefly of the terms of the offer and the fact that it is open for acceptance for a period of time then that offer can in no way be revoked or withdrawn by a offeror.

To sum up, in simple terms, the only dated offer that can be withdrawn is one that has not yet come to the mind of the seller.