

# TOM FEE FACT SHEET

The TOM fee is optional, you don't have to use it.

The TOM fee does not replace earnest money, it may be used in conjunction with or without earnest money.

Provides an upfront period for buyer to complete their inspections and approve the Seller's Property Disclosure.

Earnest money may still be paid upfront, or it may be due later in the transaction.

If the buyer has objections to the inspections or reports, the earnest money can be made due once parties have reached resolution.

If the buyer has no objections to the inspection reports, the earnest money can be made due at time objections were due.

If you get to closing, the TOM fee does not go towards down payment, purchase price, closing costs, or anything else.

If the buyer terminates, the TOM fee does not get refunded.

Buyer delivers to seller directly, it does not go to the title company.

Buyer broker gives their buyer a receipt, then delivers it to the seller's broker and gets receipt.

If the seller accepts the offer, the listing must be placed in pending status, although back up offers may be entertained as always.

Earnest Money will still be subject to appraisal, survey, financing, title, etc.

You can include those other inspections, contingencies, etc., if you want by writing an addendum. Use the same deadlines as the Seller's Property Disclosure and Inspection Deadline (new paragraph 21F).

Or you can exclude some inspections (septic) and make them due after earnest money by writing an addendum.

