Backup Contract Addendum

Who should use this form?

This form should be used by an agent working with a buyer(s) who wishes to present a backup offer to a seller who is already under an existing (primary) contract.

What is the purpose of this form?

This form is used to define the stipulations of how the backup contract will be handled if the primary contract cancels.

When is this form used?

This form is used when submitting a buyer’s offer to a seller who is already under contract. The buyer is asking to be the “backup contract” to an existing contract. The advantage for the backup buyer is that if the primary contract fails/cancels, the backup contract automatically moves into primary position. The property does not go back on the market, so the buyer has a pre-agreed to contract and no other competition. The buyer is also afforded the right to cancel their backup contract at any time prior to becoming the primary contract. The backup buyer is not required to wait until closing of the primary contract if they wish to cancel and pursue another property.