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## Episode 17: In the “Repair Procedure” part of the contract, what does “Make Improvements Structurally Sound” mean?

**Call from the Agent:** I just received a home inspection report from the buyer. The buyer says the inspection shows the home “isn’t structurally sound” – I see that phrase in the contract, but what does it actually mean?

**The Response:** The oft-used “Repair Procedure” in the current SC Real Estate Commission contract requires the seller honor:

“all [buyer] requests necessary to place the heating systems, air conditioning systems, electrical systems, plumbing systems, waste water systems to be conveyed in operative (sic) condition, to make the roof free of leaks, to address environmental concerns and to make the improvements structurally sound.”

Placing the “major systems” (i.e. heating plumbing, etc.) in operating condition and making the roof free of leaks is self-explanatory, but the term “structurally sound” is, by comparison, subjective. Therefore, it often becomes the topic of dispute between the parties.

When asked about a particular property condition, I typically approach it as follows:

1. Does the condition affect the structural element of the home? The structural elements are the foundation, crawl space, slab or basement, framing, roof and walls. “Framing” obviously means all framing – floor joists, roof timbers, etc.
2. Does the condition render the structural element unsound? “Structural soundness” is acceptably defined as follows:
  - has the ability to withstand normal forces, is in good condition, solid, strong and substantially free from defect.
  - is substantially free from flaw, defect, decay or deterioration to the extent that the structure is capable of adequately or safely accomplishing the purpose for which it was intended
3. If the condition doesn’t obviously make the structure unsound, is it the kind of thing that might indicate structural unsoundness? Here are a few circumstances which, while not making a home structurally unsound in and of themselves, may point to a structural issue:
  - Cracks in plaster, brickwork or mortar that are more than superficial
  - Cracks in the chimney
  - Uneven floors
  - Sticking windows and/or doors

- Bulging or leaning walls
- Sagging roof and/or roof leaks
- Uneven or sagging floors
- Crawlspace dampness, leaks or cracks

This list is by no means exclusive, but it is a very common list and, to a good home inspector, these things are obvious. To emphasize, though, these are merely *indicators* of possible structural unsoundness. A window that sticks hardly renders a home structurally unsound, but it may prompt further investigation by a professional and, if that investigation demonstrates structural unsoundness, the buyer may demand repairs.

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This approach tends to improve the conversation between the parties and helps lead to a reasonable resolution. Most of us have now seen the new state contract reportedly going into effect in June – the “Repair Procedure” is not a part of it.