



Earnest Money Contract Analysis

CLAUSES DETECTED

9

WARNING SIGNS

2

Overview

A 9-clause contract with 2 warning signs, both about the same thing: what happens to the €6,000 you paid if the sale never completes.

Detailed clause analysis

Type of arras

High Risk

It hands over €6,000 "as arras" without saying which type. With no express agreement they are presumed confirmatory: you could not simply walk away by forfeiting the deposit.

TIP

If you want to be able to walk away by forfeiting the deposit, ask for the contract to say expressly "penitential arras under article 1454 of the Civil Code".

LEGAL REFERENCES: [Art. 1454 of the Civil Code](#)

Mortgage refused

High Risk

There is no financing condition: if the bank turns your mortgage down, the contract still makes you lose what you paid.

TIP

Add a financing condition: if the bank turns the loan down before a set date, the deposit comes back in full.

LEGAL REFERENCES: [Arts. 82–90 of the TRLGDCU](#)

Deed costs

Low Risk

Who pays what is set out in writing and follows the default split in the Civil Code.

LEGAL REFERENCES: [Art. 1455 of the Civil Code](#)

Red flags / Warnings

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