

Radon inspection

Within 14 days of the date of the Residential Sales Contract, Buyer, at Buyer's expense, may cause the premises to be inspected by a professional inspector qualified in the area of radon testing for the purpose of determining the existence of radon in the subject premises. Notice of the results of the radon test shall be given to Seller within the 14-day period. IF BUYER DOES NOT SERVE SUCH WRITTEN NOTICE ON SELLER WITHIN THE TIME SPECIFIED, THIS CONTINGENCY SHALL BE DEEMED TO HAVE BEEN WAIVED BY BUYER.

In the event that the level of picocuries per liter is less than 4,* as determined by Buyer's initial test or by a Seller's retest of the premises, then this condition shall be deemed to be satisfied. In the event that the report issued by Buyer's inspector reveals the level of radon in the subject premises to be greater than 20* picocuries per liter, then this Contract shall be null and void and the earnest money returned to the Buyer.

[*The levels of acceptable picocuries reflect the recommendations of the United States Environmental Protection Agency.]

If the level of picocuries per liter is greater than 4 but less than 20, Seller shall have the option to remedy and retest the subject premises at Seller's expense. Seller shall give notice to Buyer no later than 30 days after the date of the Contract indicating whether the Seller has been able to reduce the level of radon to less than 4 picocuries per liter. If Seller has not been able to reduce the level to less than 4 picocuries per liter, Buyer may rescind this Contract by giving Seller written notice within 40 days after the date of this Contract. IF BUYER DOES NOT SERVE SUCH WRITTEN NOTICE ON SELLER WITHIN THE TIME SPECIFIED, THIS CONTINGENCY SHALL BE DEEMED TO HAVE BEEN WAIVED BY BUYER.

The earnest money shall be returned to Buyer upon rescission of the Contract by the Buyer as provided for herein.

Any inconsistency between this paragraph and other provisions in this Contract shall be resolved in favor of this paragraph.