

# How Long Does the Escrow Company Have to Return my Earnest Money?

by Isaac Benmergui, Esq on March 26, 2015

Earnest money is the deposit you put down on a home when you make an offer. It's a kind of carrot to show the seller you are serious so that they will take the home off the market while you work out the deal. Earnest money is typically 1 to 2 percent of the total purchase price, and the money is rolled over into your down payment when the deal goes through. You may put down more if homes are moving off the market quickly.

The money doesn't go straight to the seller. Generally, the title company or even the real estate broker will hold on to your earnest money until it goes to escrow. When the deal goes through, the [earnest money](#) is released from escrow and goes to the seller.

If the deal doesn't go through, a cancellation fee will be taken out of your earnest money. The terms of the purchase agreement will determine if you get your deposit back. You should read the purchase agreement before you give anyone earnest money so that you are familiar with the situations in which your earnest money can be returned and when it will not.

If the contingencies of the contract are not met by either party, you will likely get your deposit back. Common terms and conditions include not being approved for financing, or finding [problems with the property](#) that you can't come to agreement with the seller on how to handle.

Call [Miami Real Estate Lawyer Isaac Benmergui](#) at 305.397.8547 and set up a no charge, no obligation consultation to discuss your case. We have close to 10 years of experience handling Real Estate, Personal Injury, Immigration and Commercial Litigation cases throughout Miami and South Florida, and will use our expertise to help your case to the best of our abilities.

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