

A contract is a legally enforceable agreement.

#### Promise + Consideration = K

Promise + Detrimental Reliance = K.

#### PROMISE

A promise is the **manifestation of intent** to act or refrain from acting in a specified way

A promise or performance must offer some kegal detriment, i.e. something of value or some form of freedom

#### CONSIDERATION

To constitute consideration, a performance or promise must be **bargained for**, i.e. **sought** in **exchange** for another performance or a return promise

Each party has the duty to bargain in good faith

#### DETRIMENTAL RELIANCE

In some instances, detrimental reliance acts in place of consideration.

#### UNENFORCEABLE

#### Conditional & Illusory Promises

An agreement that depends on the wish, will, or pleasure of one of the parties will not be enforced.

#### No Commitment

One party cannot convert what both parties knew to be a joke into a serious transaction simply by claiming it to be so.

There must be a meeting of the minds.

#### DISCRETIONARY

#### Vague & Indefinite Terms

Six Ways of Interpreting a Term:

The Courts use these to determine INTENT

- (1) Language of the K
- (2) Dictionary
- (3) Prior Negotiations Between the Parties
- (4) Trade Usage
- (5) Standards Incorporated by Reference
- (6) The Conduct of the Parties

Other relevant factors: Evidence; Subject Matter

#### . .

ENFORCEABLE

#### Satisfaction Clauses

Two Categories:

Objective test. Reasonable

person standard, where

"satisfaction" can be asserted to

something measurable

(2) Subjective test. Good faith

standard, where "satisfaction" is

determined by the fancy, taste, or

judgment of the parties

#### Exclusivity:

#### Good Faith & Reasonable Efforts

Implied Promises = A promise may be lacking, and yet the whole K may be "instinct with an obligation, imperfectly expressed" in these situations the court reads in the promise through good faith and reasonable efforts by both parties.

# **Business Law Contracts Study Guide**

**Karin Nielsen-Saines** 

**Business Law Contracts Study Guide:** 

Unveiling the Power of Verbal Beauty: An Emotional Sojourn through Business Law Contracts Study Guide

In some sort of inundated with displays and the cacophony of instant conversation, the profound power and psychological resonance of verbal beauty often diminish in to obscurity, eclipsed by the constant assault of noise and distractions. However, located within the musical pages of **Business Law Contracts Study Guide**, a fascinating perform of fictional elegance that impulses with fresh feelings, lies an unique trip waiting to be embarked upon. Penned with a virtuoso wordsmith, this mesmerizing opus courses viewers on an emotional odyssey, lightly revealing the latent potential and profound influence stuck within the delicate web of language. Within the heart-wrenching expanse with this evocative examination, we shall embark upon an introspective exploration of the book is key styles, dissect its charming publishing design, and immerse ourselves in the indelible impression it leaves upon the depths of readers souls.

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