

Contracts: Conduct Invalidating Assent

Conduct Invalidating Assent

- Duress
- Undue Influence
- Fraud
- Misrepresentation
- Mistake

Duress

- Physical Force
 - Void
- Threat
 - Voidable
 - Improper and coercive
 - Subjective test

Undue Influence

- Confidential relationship
- Unfair Methods of Persuasion
- Voidable

Fraud

- Fraud in Execution
 - Void
- Fraud in Inducement
 - False Representation
 - Material Fact
 - Knowledge, Intent
 - Justifiable Reliance

Misrepresentation

- Negligent
 - Did not know, but should have known
 - voidable
- Innocent
 - Did not know, but used due care
 - voidable

Mistake

- Bilateral or Mutual Mistake
 - Basic assumption of contract
 - Voidable at either parties option
- Unilateral Mistake
 - Not voidable unless contact becomes unconscionable (can not take advantage if knew of mistake)