

## Contracts: Conduct Invalidating Assent

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## Conduct Invalidating Assent

- Duress
- Undue Influence
- Fraud
- Misrepresentation
- Mistake

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## Duress

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

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## Undue Influence

- Confidential relationship
- Unfair Methods of Persuasion
- Voidable

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## Fraud

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

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## Misrepresentation

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

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## Mistake

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

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