

Facts

specific offer? No just inquiry

Ball writes Sullivan and inquires how much Sullivan is asking for a specific forty-acre tract of land Sullivan owns. In a letter received by Ball, Sullivan states, "I will not take less than \$60,000 for the forty acres tract as specified". Ball immediately sends Sullivan a telegram stating "I accept your firm offer for \$60,000 for the forty-acre tract as specified". Discuss whether Ball can hold Sullivan to a contract for the sale of the land. Quote the rules of your textbook which you think applies to this question.

Firm?

offer?

when acceptance

formed

Issue - remember chp. 11 case problem, so Chp. 11 deals with Agreements (Offers and Acceptance = agreement)

preliminary negotiation  
~~offer~~

Rule - Offers must be specific, precise, definite, firm

Is this a firm offer?

What is an Offer to Negotiate? is it a real Offer?

Apply

"I will not take less than..." - that sounds a bit indefinite. Could you offer a bit more, and how much more. So remember

definition

again an expression of willingness to contract on a specific set of terms, made by the offeror with the intention that, if the offer is accepted, he or she will be bound by a contract. -

looks like a willingness to contract, terms are a bit vague, but if the offer is accepted, and now would that be, by offering a bit more, then is Sullivan really intending to be bound

Answer - This is NOT a firm offer, this is an opening bit to negotiate

NO CONTRACT

