

Contract

This information is for informational purposes only. It should not be considered legal advice. For legal advice consult an attorney.

What is a contract?

A contract is defined as an agreement with specific terms between two or more parties in which there is a promise to do something in return for a valuable benefit known as consideration.

How long do I have to sue?

You have 2 years from the date the contract is broken to sue over an oral contract, and 4 years from the date the contract is broken to sue for a written contract.

What do I need to prove?

In order to win a breach of contract case in small claims, you will need to prove each of the following:

1. A contract existed.
2. The defendant broke the contract.
3. You suffered a monetary loss as a result.

What proof should I bring to court?

You will need to prove to the judge a contract existed. If the contract is in writing, bring it to court. If the contract was oral be prepared to prove its existence through other evidence. This can include checks, receipts, witness testimony, and communication between the parties.

Some contracts must be in writing. These include, but are not limited to:

- Contracts that by their terms cannot be performed within one year
- Contracts to answer for the debts of another person
- Leases for real property longer than one year
- Contracts to buy real estate
- Contracts by real estate agents or brokers