

ASPEN PARALEGAL SERIES

Jeffrey A. Helewitz

Basic Contract Law for Paralegals
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Chapter 3

ACCEPTANCE

Learning Objectives

After studying this chapter you will be able to:

- Define “acceptance”
- Differentiate between an acceptance and a counter-offer
- Discuss the mirror image rule
- Indicate the effect of silence on an offer
- Explain who is capable of accepting an offer
- Discuss the method of accepting a bilateral and a unilateral offer
- Discuss the impact of the mailbox rule on the acceptance of a contract
- Explain the effect of the rejection of an offer
- Define “revocation”
- Discuss the effect of the termination of an offer on the parties ability to create a valid contract

Acceptance

Acceptance is the manifestation of assent in the manner requested or authorized by the offeror.

Varying the Terms of the Offer

- First, to be valid, the acceptance must parrot *exactly* the terms of the offer.
- Second, any variance in the terms of the offer creates a counteroffer, which rejects and therefore terminates the original offer.
- Third, if the variance is merely a term that is implicit in the original offer, that variance will not constitute a counteroffer.

When Does Silence Constitute an Acceptance?

- if the offer was solicited by the offeree or
- the contract is implied in fact

Principal-Agent Relationship

An agent is one who acts for and in the place of another, known as the principal, in order to enter into contracts with third persons on the principal's behalf.

Mailbox Rule

The acceptance of an offer of a bilateral contract is effective when properly dispatched by an authorized means of communication.

Termination of the Ability to Accept

To terminate an offer by an act of the parties, either the offeree must reject the proposal or the offeror must revoke the offer.

Termination by Operation of Law

- Lapse of time
- The death or destruction of the subject matter
- The death or insanity of the offeror or offeree
- Supervening illegality