

Specific Performance

While monetary damages are often the primary remedy for a breach of contract, there are situations where a court may order "specific performance," a powerful equitable remedy that compels the breaching party to fulfill their contractual obligations. This is particularly relevant in real estate transactions, as each property is considered unique, and money alone may not be sufficient to compensate a buyer for failure of a seller to convey the real estate. The firm's real estate litigators are highly experienced in prosecuting and defending specific performance claims in the New Jersey Superior Court, representing clients in a variety of situations where this remedy may be sought.

To successfully pursue a claim for specific performance, it is essential to demonstrate that a valid and enforceable contract exists, that the terms of the contract are clear, and that the party seeking specific performance relief was ready, willing and able to perform its obligations. Our expertise in these matters includes the representation of buyers and sellers in breach of purchase and sale agreement claims. For developers and other commercial property owners, we have pursued specific performance as a remedy to enforce covenants, such as a seller's failure to obtain necessary permits or approvals as outlined in a contract. We have also litigated cases involving the enforcement of options to purchase real estate included in commercial lease agreements.

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