

Publications

Liquidated Damages in Ohio Purchase and Sale Agreements

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AUTHORED ARTICLE | 1.4.2022

The Practical Real Estate Lawyer

Ted Smith, a partner in the Vorys Columbus Office, and Michelle Smith, an associate in the Vorys Cleveland office, co-authored an article titled "Liquidated Damages in Ohio Purchase and Sale Agreements" for the American Legal Institute Continuing Legal Education's (ALI-CLE) *The Practical Real Estate Lawyer*. The article focuses on the enforceability of liquidated damages provisions in real estate purchase and sale agreements under Ohio law.

The article states:

"Under Ohio law, the burden of proof to show that a liquidated damages clause is unenforceable lies with the party challenging its validity. Ohio courts determine the validity of liquidated damage clauses based on whether the amount specified is determined to be a penalty. To determine whether the amount of liquidated damages specified is a penalty, Ohio courts will apply a three-part test."

To download a PDF copy of the article, [click here](#).