

Reevaluate Commercial Sales Contracts That Incorporate Other Documents by Reference

The Oklahoma Supreme Court found that “Terms of Sale,” hidden on a website and not clearly referenced by the sales agreement, were not adequately incorporated, they were not a proper part of the contract, according to a report by McAfee & Taft and posted on JDSupra.

The report says the court, in *Walker v. Builddirect.comTechnologies, Inc.*, provided guidance on how to properly incorporate extrinsic documents. With this new case in hand, businesses should consult with counsel and make sure their agreements pass muster.

“Counsel can assist with ensuring any extrinsic documents are sufficiently identified and easy to find,” the report says.

Read the report.