

Unjust Enrichment vs. Quantum Meruit

“Express contracts are easy enough to understand. An express contract is a legally enforceable agreement formed by an exchange of promises, the terms of which are declared, either orally or in writing, at the time the agreement is formed,” writes Lee E. Berlik in Berlik Law’s *The Virginia Business Litigation Blog*.

“A mutual meeting of the minds is required, and the agreement must be supported by consideration. If I promise to pay you \$10 to wash my car, and you accept my offer and proceed to wash my car, we’ve formed a contract and I am legally obligated to fork over that \$10. But what if you just decided on your own to wash my car without discussing it with me first? Or maybe I ask you to wash my car and you accept, but we never discuss price? In situations like these, I may still be required to pay you a fair price for the service you provided, even though we never actually formed a contract. The legal concepts involved are known as unjust enrichment and quantum meruit.”

“Let’s review what these related-but-distinct terms mean.”

Read the article.