

Art Menor and Elizabeth Jones publish "Can I have my deposit back?"

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Art Menor and Elizabeth Jones recently published the article "Can I have my deposit back?" in the Winter 2015 edition of *ActionLine*, a publication by the Real Property Probate and Trust Law Section of the Florida Bar. Former Shutts summer law clerk Daniel Naydenov also assisted in preparing the article.

The article analyzes case law to address two questions:

- (1) If a non-breaching party to a contract benefits from the breach, can it keep the deposit even when the party is entitled to liquidated damages which are meant to compensate them for their losses?; and
- (2) Is a provision in a contract valid when it allows the seller to retain the deposit as part of its liquidated damages or as part of suing for specific performance?

In a word, no, you can't have your deposit back.

Read the [full article](#) to find out why.

Professionals

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Practice Areas

Real Estate