

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas  
2 84th General Assembly  
3 Regular Session, 2003

# A Bill

HOUSE BILL 1876

4  
5 By: Representative Hutchinson  
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## For An Act To Be Entitled

9 AN ACT TO CLARIFY EXISTING LAW CONCERNING THE  
10 DAMAGES TO WHICH A PREVAILING PLAINTIFF IS  
11 ENTITLED IN A BREACH OF CONTRACT ACTION  
12 CONCERNING THE SALE AND PURCHASE OF REAL ESTATE;  
13 AND FOR OTHER PURPOSES.  
14

## Subtitle

15 AN ACT TO CLARIFY EXISTING LAW  
16 CONCERNING THE DAMAGES TO WHICH A  
17 PREVAILING PLAINTIFF IS ENTITLED IN A  
18 BREACH OF CONTRACT ACTION CONCERNING THE  
19 SALE AND PURCHASE OF REAL ESTATE.  
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22 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:  
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24 SECTION 1. (a) In a breach of contract action brought against a party  
25 who breaches the terms and conditions of a written contract for the sale and  
26 purchase of real property, a prevailing plaintiff shall be entitled to the  
27 following damages:

28 (1) The difference between the price of the real property as  
29 established in the breached contract and the price for which the plaintiff  
30 subsequently sold the real property;

31 (2) Interest expense incurred by the plaintiff in connection  
32 with the holding and remarketing of the real property;

33 (3) Real estate commissions incurred by the plaintiff if the  
34 initial sale of the real property did not otherwise involve the payment of a  
35 real estate commission; and

36 (4) All other damages that the plaintiff proves.



1       (b) This section does not limit a plaintiff's right to seek specific  
2 performance in connection with breaches of real estate purchase contracts.

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4       SECTION 2. Applicability.

5       This act applies to all causes of action existing on the effective date  
6 of this act for which the applicable statute of limitations has not expired.

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