

What Can One Do to Avoid a Shtar Being Invalidated Due to Duress?

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Question: We recently discussed the halachos of *moda'ah* (claim of duress) and how it can override an agreement between two parties. What can one be on the lookout for when entering an agreement, in order to protect himself from a *moda'ah* from the other party?

Answer: Whenever one is in a dispute with someone and the other party agrees to settle, one must always be concerned that the other party is executing a *moda'ah*. In order to avoid that, one should be sure to include certain specific clauses from the Agreement Validation in the Settlement Agreement, which are effective in avoiding *moda'ah*.

There is a dispute among the Poskim whether a clause that completely invalidates a *moda'ah* is effective. The next step is to insert a clause that overrides any witnesses who testify that there was a *moda'ah*. That should be sufficient to protect one from a claim of *moda'ah*.