

Civil Law

Genuineness of Assent (Ch 7 Assessment)

Part 1

Facts: Charles is a huge fan of the comic strip Peanuts all of his life. He was told that his parents named him after Charlie Browne. Charles collects all sorts of Peanuts memorabilia but has always wanted an original drawing by Schulz. One day, while looking on Ebay, he sees the following artwork:



Charles sees that this is advertised as an original pen-and-ink drawing for sale at \$850. He contacts the seller (Linus) and asks about the drawing. Linus tells him that this is, in fact, an original drawing that his father received as a gift from Schulz and he needs the money to pay for school. Charles bids and wins the artwork. Unknown to both of them, the artwork was done by Linus' father and NOT an original (Linus later discovers this when asking his father about the artwork). When having the artwork authenticated, Charles is told that it is a fake. He contacts Linus about his findings and wants his money back. Linus refuses since he was unaware that the artwork was fake at the time of sale and is not responsible for this problem. Both have complained to Ebay about this transaction.

QUESTION: Was there a valid contract between the two parties? Use your knowledge of contract law to determine whether or not it was a valid agreement. How much does the mistake as to the artwork affect whether or not the money should be returned? Remember to Work The Facts!

Contracts-Genuineness of Assent

Part 2

Facts: Jack and Eddy are brothers. Both work for their father but Eddie travels on business and Jack works inside the office. Jack and Eddie's father, Ike, who is in declining health and needs medication to remain lucid, has a classic Ford Mustang that both really want. Ike thinks Eddie should get the car but his wife, Becky, thinks the car should go to Jack. Ike can no longer drive and relies upon Becky to take him around town. When Eddie is on the road, Becky tries to convince Ike to put the Mustang in Jack's name. Ike refuses. For the next week, both Becky and Jack badger Ike about the car. Becky adjusts Ike's medication to make him more "pliable" to be able to sign off on the pink slip to the Mustang. When Eddie returns from the road, he is informed that Jack is the owner of the car. Eddie is unhappy and wants to take his brother to court. When the trial is set to proceed, Becky discovers that, not only did Jack take over ownership of the car, but, also, he now controls ownership of the business and the family home! Before the trial is set to begin, Jack approaches Eddie and lets him know that, unless he signs an agreement giving up any interest in the car, Jack will terminate him from the company. Eddie needs the job and the company health insurance since he is diabetic and his insulin is very expensive. Reluctantly, he signs the agreement. Two days later, Jack fires Eddie and kicks Becky out of the house.

QUESTION: Under what theory is Eddie able to recover anything from Jack? What is he entitled to? What about Becky? Does she have any recourse? Apply appropriate contract law and Work the Facts!