

GRADING OUTLINE FOR 2017 FINAL #1

Student #: _____

GRADE: _____

Body of Law: Common law- land

Question 1:

Formation issues:

1. Offer by Betty? Acceptance by Bob? Specific enough? Additional terms in the form make it a counteroffer? But he has not signed yet, so reserving power of acceptance? Intent not to be bound until written contract signed?
2. If counter offer by Bob, acceptance by Betty via email not in manner specified.
3. Betty's reliance on offer by hiring architect make offer irrevocable? Foreseeable and reasonable?
4. Indirect revocation when Betty hears realtor – definite enough action on Bob's part (only make an offer by hopeful buyer)?
5. If no revocation – lapse?
6. If Betty make effective acceptance- was there an offer to accept?
7. If so, Statute of Frauds problem? Bob's email sufficient?

Question 2:

1. Mutual mistake re toxic spill? Allocation of risk based on “as – is” clause?
2. Parol evidence rule not bar evidence to invalidate contract – even if integrated.
3. No punitive damages for breach of contract
4. No specific performance of duty to BUY – money damages are adequate remedy.