

RELATIONAL TORTS
PROFESSOR VANDALL

Sample Question
(No Warranty)

Bob and Jane Fiero received a letter from Magna Properties. It said that if the Fieros would visit the beach resort owned by Magna that the Fieros would receive a free home entertainment system. The system included twin tower speakers, AM-FM radio, cassette tape-player, semi-automatic turntable and phonograph. The letter also stated, in small print that was presented in such a manner it was easy to miss, "insurance and shipping are the responsibility of the recipient." At another point, the letter stated "value \$369.00." Enclosed in the envelope was a photograph of the home entertainment system. A careful examination of the picture suggests that the system might be worth from \$60.00 - \$120.00. The letter also states that the Fieros will receive a flashlight if they arrive at Magna Properties between 10:00 a.m. and 2:00 p.m.

After driving the 90 miles from their home to Magna Properties, the Fieros arrived at 12:00 noon. After an hour and a half wait, the Fieros were taken on a tour of the properties. Essentially, Magna Properties are time-sharing condominiums. The resort has tennis courts, a large pool, a restaurant, a small lake and a golf course, as well as the condominiums. The tour of the Magna Properties took one hour and forty five minutes. At the end of the tour the Fieros received a flashlight that operates on ten batteries. They also received a redemption certificate.

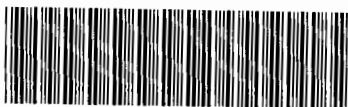
The certificate states:

In order to receive your FREE home entertainment system (twin tower speakers, AM-FM radio, cassette tape player, semi-automatic turntable and phonograph), send \$69.50 to XYZ, Inc., 105 Fifth Avenue, Pittsburgh, Penna. 15235. The \$69.50 is to cover redemption fee, insurance and shipping. Personal checks are not acceptable. You must send a money order or a cashier's check. Reference number 1867-200.

Bob and Jane Fiero have come to you for assistance in obtaining their home entertainment system. You phoned Magna Properties, their President, Tammy-Jim Baker, said that both the original letter and the redemption certificate have been approved by the State Board of Time Sharing Sales. Discuss.

Vandall Folder 6
Vandall
Relational Torts
Sample Exam Question

EMORY UNIVERSITY



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