

EXAMINATION:

This exam consists of four (4) essay questions, each worth twenty-five (25) points. Each answer should contain a complete analysis of the law relied upon to reach your conclusion. Your grade is determined from that analysis with very little weight afforded your final conclusion.

RETURN THE QUESTION SHEET ALONG WITH YOUR ANSWER SHEETS
ON TUESDAY, JUNE 18, 2019. MAKE SURE ALL SUBMISSIONS ARE SIGNED.

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1. Pancho and Cisco decide to purchase ten acres of real estate. Pancho is to provide 50 percent of the purchase price, Cisco the other 50 percent. They want to use either a joint tenancy with right of survivorship, tenancy in common, tenancy by the entirety, or tenancy in partnership form of ownership. What do you recommend and why? They also ask you to explain what is meant by a special warranty deed in fee simple.

2. Dennis Smith, sitting in a parked car with Cynthia Hanson, shook with anger. Not only had Cynthia turned him down twice for a date, but now that she had gone out with him, she refused his kisses. "Well, I'll show her," he muttered, as he grabbed the protesting girl and kissed her soundly. Cynthia slapped him in return and demanded to go home immediately. But Dennis only laughed. He proceeded to drive through town at breakneck speed ignoring the girl's pleas to be let out of the car, until an hour later when he deposited her on a busy street corner. Cynthia has confided her troubles with Dennis to her older brother, Dale. Infuriated, Dale tracks Dennis down at the local singles bar, shoves him up against the wall, and shakes a fist menacingly in his face, stating - "If you ever come near my sister again, Smith, I'll kill you." Dennis is all apologetic, but as soon as Dale turns to leave, he picks up an empty wine decanter and breaks it over Dale's head. What tort actions can Cynthia bring against her unruly suitor? Is the jury likely to award her punitive damages? Can Dennis recover from Cynthia for the slap in the face? What torts have been committed by Dale? Was Dennis justified in hitting him? Explain.

3. Holmgren bought a new motor home for \$60,000. He parked it outside his home in Kentucky. While he was in the house, the new motor home was struck and totally destroyed by a truck owned by Jones of Tennessee. Holmgren wants to sue Jones in a Federal District Court because he has heard that federal court juries return larger verdicts than state courts. May he bring suit against Jones in a federal court? Why or why not? Explain in detail.

4. Denna was an eleven-year-old child who lived next door to an abandoned apartment building. One day, Denna and some other children were playing a game of chase in the apartment building. They had found a door left unlocked. Denna, while being chased, ran toward a door with fifteen small glass panes in it. The door opened into a common hallway. She was passing through the door as it was slowing closing. Suddenly, the door closed rapidly, causing her hand to shatter one of the glass panes. This in turn caused cuts on her hand resulting in partial disability, scarring, and disfigurement. The door had never closed in such a rapid fashion in the past. Denna filed suit (through her father) against the building's owners, Chris and Jay, claiming that the closure mechanism was defective, that the door was thus unreasonably dangerous, and that the owners were therefore negligent. Discuss whether the owners were liable for Denna's injuries. Would it make a difference if the building was not abandoned, but rather that she was a guest in the building?