

Introduction to Property, Property Insurance, Bailments and Documents of Title

1.
 - a. Define and distinguish tangible and intangible property.
 - b. Define and distinguish real and personal property.
 - c. Define and give three examples of a fixture.
Read and be prepared to orally brief and discuss *New England Telephone and Telegraph Co. v. City of Franklin*. [on-line]
 - d. What factors did the court consider in determining that the equipment and poles were not fixtures?
 - e. What facts would have to change for the court to consider them as fixtures?
 - f. Answer the questions posed at the end of the case:
(1) Critical Thinking Questions: When should personal property become a fixture? What criteria should be used in the determination?
2.
 - a. Explain the ways to transfer title to personal property.
 - b. Explain the three elements of a valid gift
 - c. Explain the difference in the law's treatment of abandoned property, lost property, and mislaid property.
Read and be prepared to orally brief and discuss *O'Fallon v. O'Fallon*.
 - d. What are the three essential elements of a valid gift? Which element is being challenged here?
 - e. Was there any delivery of the property by the donor to the donee?
 - f. Did the court find that there was a valid gift? Why?
 - g. Answer the question posed at the end of the case:
(1) Critical Thinking Question: When should the making of a gift be considered complete?
3. With respect to property insurance claims, explain:
 - a. the different types of fires
 - b. co-insurance clauses
 - c. other insurance clauses
 - d. insurable interest
 - e. valued and open policies
4. Compare the defenses of:
 - a. misrepresentation
 - b. breach of warranty
 - c. concealment
 - d. waiver
 - e. estoppel
5.
 - a. Define the essential elements of a bailment.
 - b. Describe the rights and duties of the bailor and bailee.
Read and be prepared to orally brief and discuss *Hadfield v. Gilchrist*.
 - c. What benefit did each party realize in this bailment?
 - d. What constitutes due care in protecting an automobile?
 - e. Answer the questions posed at the end of the case:
(1) Ethical Question: Was Gilchrist negligent in its care of the automobiles on his lot?
(2) Critical Thinking Questions: Would Hadfield have taken any better care of his car if it had been parked in his driveway at home? Why is Gilchrist held to a higher standard of care?
6.
 - a. Explain what a document of title is.
 - b. Identify and describe the various types of documents of title.