

**FINAL EXAMINATION**

**CONTRACTS II**

**PROFESSOR KOSEL**

**SPRING 2008**

**INSTRUCTIONS**

1. The total time for this exam is **three (3) hours**. You may allocate your time as you wish.
2. This is a **closed** book exam.
3. There are TWO PARTS to this examination, MULTIPLE CHOICE and ESSAY.

**PART One**, the multiple-choice segment, contains 20 questions and is worth 1/3 of your grade. Indicate the best answer on the ParSCORE test form provided.

**PART Two**, the essay segment, is worth 2/3 of your grade. Remember to take your time; read, think, analyze and organize your answer before you begin to write. If you believe you lack sufficient facts to answer the question, please specify what additional information you require and how it will affect your answer.

4. Write your student exam number on your exam envelope, the ParSCORE test form, every page of this exam, and all used blue books. **DO NOT** use your name, student ID number or Social Security number on any exam materials.
5. At the conclusion of the exam, return all test materials including blue books, scratch paper, and this exam packet to the envelope and submit it to the proctor. **DO NOT** seal the envelope. Students who fail to return all exam materials at the end of the exam may not be graded.
6. If you believe there is insufficient information to answer any portion of the essay, please indicate what facts, if any, you would like to know and how it would affect your answer.

**GOOD LUCK!**

## **PART TWO: Essay**

### I

Desiree was highly distressed. It seemed like fortune was smiling on her when she was selected to participate in the tenth season of a reality tv show to select the country's most promising new model. But the experience did not live up to her expectations.

All the contestants were housed in a luxury townhouse in New York City. Desiree had never been to a big city before. And she had never received a weekly salary as big as her stipend on the tv show. So she spent a lot of it dining out in New York. When she wasn't eating in restaurants, she couldn't resist the unlimited supply of food at the townhouse. Within the first three weeks, Desiree had put on ten pounds.

The show's hostess, Myra, called her in for a stern dressing down. Myra told Desiree that the show wasn't interested in plus size models for J.C. Penny underwear catalogues. If Desiree did not lose all ten pounds within one week, she would be dismissed from the competition. Myra insists the weight requirement was discussed with each contestant before they signed up for the show. Desiree has no recollection of that conversation and no weight requirement is mentioned in the ten page written contract she signed.

Advise Desiree.

### II

Satisfied with your initial advice, Desiree decides to share a second legal problem with you. Her old boyfriend Clyde, a professional photographer, took all the photographs for the portfolio that she submitted as part of her entry for the tv show. Until yesterday, no mention was made of price. When Clyde found out about her new boyfriend, runway coach Mister K, he demanded payment for the portfolio at his standard rate of \$2,500. Desiree doesn't want to pay it. But if she has to, she wants to offset the \$2,500 with a bill to Clyde for her services as an escort, her job before she was selected to be on the show.

Advise Desiree.

### III

Amber, the winner of season ten, was not very pleased with the grand prize. The show promised "\$100,000 for posing in a photo spread in a top circulation American

magazine”. The magazine turned out to be Bunny, a men’s magazine featuring photos of naked women. Amber has no intention of posing nude. It violates her religious principles.

Advise Amber.

**END OF EXAM**