

**FINAL EXAM**  
**CONTRACTS I**  
**PROFESSOR JANICE KOSEL**  
**FALL 2005**

1. You have **two (2) hours** to complete this exam. You may allocate your time as you wish.
2. This is a **closed** book exam. You may not consult or collaborate with other students.
3. This exam consists of one essay question. It is worth 75% of your grade. 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. Please answer the essay question in the blue books provided to you. Write only on the right hand side of the page (skipping a page each time) and double-space your work. Please write clearly and **legibly**. If you are using exam software to type your answer, be sure to save frequently to the diskette provided.
4. Write your exam number on your exam envelope, at the top of this page, each page of questions and your 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 do not return all exam materials at the end of the exam may not be graded.

The Bratson Family was one of a dozen families competing for a million dollar prize on a reality TV show, The Great Race. The idea of the show was simple and straightforward families would race each other to designated spots around the world, performing daredevil or disgusting feats along the way. The last team to arrive at the weekly finish line was eliminated until finally only one team the winners were left.

The Bratsons decided before the race even began that they would do anything lie, cheat or steal to win. That attitude was not only their approach to everyday life; it also

reflected the philosophy of most reality shows. Indeed, the motto of The Great Race which was emblazoned on each contestant's duffel bag was just win anything goes.

- A. Things were going fine for the Bratsons until week six when they were the second to last team to arrive. They decided to make an alliance with a very religious family all the other contestants shunned - the Whollies. Over dinner one night Mr. Bratson and Mr. Whollie promised to help each other out, a bond they agreed would last until their families were the final two competitors. The Whollies were true to their word, helping to carry the bags of the Bratson children, sharing their map and first aid kit. In all candor, the Whollies would have helped the Bratsons anyway it was the mandate of their religion. The Bratsons didn't help the Whollies at all. Indeed, when Mr. Whollie asked Mr. Bratson which way the temple in Jerusalem was, Mr. Bratson without hesitation lied he pointed in the opposite direction and Mr. Whollie and his family almost perished when their vehicle tumbled over the edge of a cliff.

Now that the Whollies have been eliminated from the competition, they want to sue the eventual winners, the Bratsons. Advise them.

- B. The Bratsons thought the Mities would be their toughest competitor. When only three teams remained, Mr. Bratson sidled over to Ms. Mitie and suggested they cooperate to eliminate the remaining competitor family. Ms. Mitie demurred she said she had heard about what had happened to the Whollies. But Mr. Bratson was insistent indeed, he promised Ms. Mitie that if he went back on his word and won, he would sign the prize check over to her. Convinced, Ms. Mitie agreed to the deal and began to surreptitiously help the Bratsons and hinder the third family. Imagine Ms. Mitie's surprise when her family arrived at a designated point and found out that Mr. Bratson had gotten there first and elected to delay the Mities journey by six hours. Of course, the Mities were eliminated in that round.

Ultimately the Bratsons won. Because of their behavior, they did not get all the endorsement deals other winners had negotiated after their victories. But they did get the million-dollar check.

Ms. Mitie wants Mr. Bratson to indorse the check over to her. Advise Ms. Mitie.

**END OF EXAM**