

# PROPERTY PRACTICE QUESTIONS

## ANSWER 1

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**Caveat:** The outline of the answer below provides guidance regarding the main issues which you should address in your answer. The answer is *not* designed to be a model answer.

### **Linda v. Foleys (represented by manager)**

- Categorize property
  - Lost property because Jessica parted with her bracelet involuntarily, through inadvertence
- General rule for finding
  - Finder has a right superior to everyone except the true owner
  - Exception – *respondeat superior*
    - Whatever the employee does is for the benefit of the employer
- At the time of finding the bracelet Linda was acting in the capacity of Foleys' employee and thus found the bracelet for the benefit of Foleys
- Foleys prevails over Linda

### **Jessica v. Foleys**

- Categorize property as above
- State general rule for finding as above

- Because Jessica is the true owner of lost property, Jessica would win against Foleys, the finder's employer

**Jessica v. Linda**

- Categorize property as above
- State general rule for finding as above
- Jessica would prevail over Linda because Jessica is the true owner

**Jessica v. Nick**

- Categorize property as above
  - Abandoned, because Jessica intentionally relinquished possession of the TV by putting it by the dumpster
- State general rule for finding as above
  - Exception – Abandoned property
    - Property abandoned by the true owner belongs to the finder
- Finder Nick prevails over Jessica