

# PROPERTY PRACTICE QUESTIONS

## QUESTION 2

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**Topic: Personal Property**

**Sub-topics: Finding**

**Type: Essay**

**Difficulty: Easy**

**Time: 20 minutes**

John retired at the age of 70 with hardly any money coming in from Social Security. His children rarely called, and his wife passed away two years ago. John is now 75 and his dream is to spend the rest of his life in the Bahamas, drinking papaya nectar and swimming in the ocean.

John steadily worked toward realizing his dream by regularly looking through the dumpster in front of the café that also sold lottery tickets. People threw away a lot of “scratch off” tickets that they thought did not win. However, sometimes the tickets John found in the trash were winners and he was able to cash them in.

One day, while John was going through the trash, he found a winning million dollar lottery ticket. John was ecstatic but tried to keep a low profile. However, the networks spread the story all over the U.S. and the news reached Gilbert, the man who

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threw away the ticket. Gilbert now claims that he did not mean to throw away the winning ticket, and that it was an “accident.” Gilbert is suing John to regain possession of the lottery ticket and claim the money.

Who should win? Explain.