

PROPERTY PRACTICE QUESTIONS

ANSWER 8

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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.

Engagement Broken off because Jeff lied about his marital status

- **Define and categorize engagement v. courtship gifts**
 - **Courtship gifts**
 - *Irrevocable*
 - *Given before the engagement to entice the person to continue to date you*
 - Platinum earrings and the mountain bike
 - **Engagement Gifts**
 - *Revocable/conditional on marriage*
 - Ring
 - *Given after the engagement for anticipated mutual household use*
 - DVD player, dishwasher, BMW
- **Figure out appropriate jurisdiction and apply the law**
 - Because the setting is **Texas, traditional (fault) approach** applies
 - **General rule:** *donee breaks off the engagement, donor keeps the gifts*
 - **Exception** to the rule
 - *Legal justification* (lying about marital status should qualify)

- **Conclusion:** if legal justification is proven, then Jackie gets to keep the ring, DVD player, dishwasher, and the BMW
 - Jackie gets to keep courtship gifts regardless of the jurisdiction because they are irrevocable

Engagement mutually broken off without legal justification

- To distinguish between courtship and the engagement gifts apply same analysis as above
- State the jurisdiction and the applicable law
 - *In Texas, when the engagement is mutually broken off, donor gets to keep the engagement gifts*
 - Jeff gets to keep the ring, DVD player, dishwasher, and BMW
 - *The courtship gifts still belong to the donee regardless of why the engagement was broken off*
 - Jackie keeps platinum earrings and the mountain bike