

CONTRACT LAW

A GUIDE TO ANSWERING PROBLEM BASED QUESTIONS

The following is a **guide only**. It is a structured approach to answering problem based questions and is not meant to be an exhaustive (or model) answer nor the only approach for answering such questions. Sample questions and suggested approaches are provided below for students' reference:

Question 1

On Monday, A advertises in the local paper as follows: "Sony Home Theatre set selling for half its cost. Owner migrating. Interested, please call 8884444."

On the same day, B phones A and says "I accept your offer to buy your home theatre set at half its cost". A says that the set is selling for \$1000. B asks A if he will accept \$500 but A refuses.

On Tuesday, C phones A and asks him – "How much will you sell your set for"? A replies – "\$1000". C asks – "Does your set come with 4 amplifiers?" A says – "No". C says that he needs to wait for his payday and asks A to give him till Saturday to decide. A agrees.

On Thursday, B phones A and says – "I have your \$1000 and am ready to collect the set as agreed". A says – I don't like your tone – I am not selling you anything."

On Friday, A sells the set to E, C's sister. E calls C to tell him the good news! An unhappy C then immediately calls A and tells him – "I accept your offer to sell the set for \$1000."

Discuss if B & C have any contractual rights against A.

Suggested Approach

Identify and state the issue/s:

The issue here is whether there is an enforceable contract between A and B, or A and C, for the sale of A's home theatre set. I propose to deal with B's and C's legal position separately.

The legal position of A v B:

The facts say that on Monday, A placed an advertisement in the local paper for the sale of his home theatre set. In law, such an advertisement is considered to be an invitation to treat. It is not an offer. An invitation to treat invites others to make an offer. This proposition is supported by the case of Partridge v Crittenden.

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RD Boyd



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Table of Contents Sample Answer Contract Law Problem Question

1. Understanding the eBook Sample Answer Contract Law Problem Question
 - The Rise of Digital Reading Sample Answer Contract Law Problem Question
 - Advantages of eBooks Over Traditional Books
2. Identifying Sample Answer Contract Law Problem Question
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Sample Answer Contract Law Problem Question
 - User-Friendly Interface
4. Exploring eBook Recommendations from Sample Answer Contract Law Problem Question
 - Personalized Recommendations
 - Sample Answer Contract Law Problem Question User Reviews and Ratings
 - Sample Answer Contract Law Problem Question and Bestseller Lists
5. Accessing Sample Answer Contract Law Problem Question Free and Paid eBooks
 - Sample Answer Contract Law Problem Question Public Domain eBooks
 - Sample Answer Contract Law Problem Question eBook Subscription Services
 - Sample Answer Contract Law Problem Question Budget-Friendly Options
6. Navigating Sample Answer Contract Law Problem Question eBook Formats
 - ePub, PDF, MOBI, and More
 - Sample Answer Contract Law Problem Question Compatibility with Devices
 - Sample Answer Contract Law Problem Question Enhanced eBook Features
7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Sample Answer Contract Law Problem Question
 - Highlighting and Note-Taking Sample Answer Contract Law Problem Question
 - Interactive Elements Sample Answer Contract Law Problem Question

8. Staying Engaged with Sample Answer Contract Law Problem Question
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Sample Answer Contract Law Problem Question
9. Balancing eBooks and Physical Books Sample Answer Contract Law Problem Question
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Sample Answer Contract Law Problem Question
10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
11. Cultivating a Reading Routine Sample Answer Contract Law Problem Question
 - Setting Reading Goals Sample Answer Contract Law Problem Question
 - Carving Out Dedicated Reading Time
12. Sourcing Reliable Information of Sample Answer Contract Law Problem Question
 - Fact-Checking eBook Content of Sample Answer Contract Law Problem Question
 - Distinguishing Credible Sources
13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks
14. Embracing eBook Trends
 - Integration of Multimedia Elements
 - Interactive and Gamified eBooks

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