

Module Eight – Improvers and Good Faith Purchasers

Question 17. Paul has an apple orchard. Dan’s company makes natural apple juice. Dan hires an apple-picking firm to pick apples on land from which Dan has rights to access and pick apples. Despite being given the correct information, the apple-picking firm mistakenly (in good faith) picks five tons of apples from Paul’s land and delivers these apples to Dan. Dan makes apple juice by crushing them and adding sugar so that a third of the volume is sugar. Paul discovers this when all of the sweetened apple juice is in one large holding tank at Dan’s facility. Paul sues for conversion, claiming as damages the value of the apple juice, or, return of the apple juice to Paul. Five tons of apples has a value of \$3,000. The resulting sweetened apple juice has a value of \$13,000. Chose the most correct answer.

- a.* Paul’s claim will likely be limited by the doctrine of accession due, in part, to the differential in value of the apples as compared to the sweetened apple juice.
- b.* If Dan is successful in limiting Paul’s claim using accession, Dan will likely only owe Paul \$3,000.
- c.* If Paul agrees that sweetened apple juice is substantially different from apples, this will help Dan in his attempt to use accession to limit Paul’s claim.
- d.* Dan’s attempt to limit Paul’s claim by applying accession is enhanced the more that experts would say apples and sweetened apple juice are not fungible.
- e.* All of the selections *a* through *d* are accurate characterizations.

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Question Number	Correct Answer
17	e