

Property

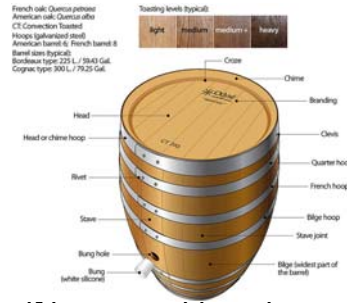
- Module 8
- Improvers and Good Faith Purchasers

Improvers

- Accession: One who by his labor or addition of his own materials improves the property of another [in good faith] [to a sufficient extent] is entitled to keep the result; making restitution to the original owner only for the value of the mistakenly taken chattels.
- *Wetherbee v. Green*

Wetherbee v. Green (Mich. 1871)

- Defense one: licensed to cut the timber
- Defense two: accession
 - Only operates for good faith improvers
 - Property is subject to replevin even if increased in value so long as it still has substantial identity
 - But, what if changed to a “different species” or “manufactured” to be “substantially different”: “wine out of another’s grapes, oil from his olives, or bread from his wheat”
 - Comparative value before and after improver’s acts
 - Unique versus fungible property



Good Faith Purchasers: Voidable Title

- Adverse possession aside, a thief acquires no title and can pass no title.
- Not assigned, to be briefly covered in class:
 - But see U.C.C. § 2-403: Voidable Title
 - *Kotis v. Nowlin Jewelry, Inc.*

Finders, and Thieves

