

1) Contract Formation

a) Offer

i) Rule = An offer is a manifestation of intent to enter into a contract.

ii) Elements. An offer requires both:

(1) Intent and

(a) Look at this from the position of a reasonable person.

(b) *Fairmount Glass Works v. Crunden*: Even if one or more terms (below) are left open, a contract does not fail for indefiniteness if the parties intended to make a contract.

(2) Specific terms. The specific terms are:

(a) Price,

(i) *Harvey v. Facey*: Saying "lowest price you'll accept" is not an offer. Need *the price*.

1. Hypo: Will you sell us the property?" is that an offer? No, a question cannot be an offer. No price term either!

(b) Quantity, and

1. "We are authorized to offer you all of the fine salt you order." Is that an offer? No. because no quantity. Just saying "offer" does not make it one.

(c) Identity of the offeree.

(i) *Owen v. Tunison*: If offeree is not identified (in this case, a land sale contract) there is no offer.

(ii) *Lefkowitz*: Coat case. This was an offer because all terms were identified (first person in store gets coat for \$1.)

1. What makes an ad an offer? when there is nothing left to negotiate.

Outlines Of Law

Steven L. Emanuel



Outlines Of Law:

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Table of Contents Outlines Of Law

1. Understanding the eBook Outlines Of Law
 - The Rise of Digital Reading Outlines Of Law
 - Advantages of eBooks Over Traditional Books
2. Identifying Outlines Of Law
 - 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 Outlines Of Law
 - User-Friendly Interface
4. Exploring eBook Recommendations from Outlines Of Law
 - Personalized Recommendations

- Outlines Of Law User Reviews and Ratings
- Outlines Of Law and Bestseller Lists
- 5. Accessing Outlines Of Law Free and Paid eBooks
 - Outlines Of Law Public Domain eBooks
 - Outlines Of Law eBook Subscription Services
 - Outlines Of Law Budget-Friendly Options
- 6. Navigating Outlines Of Law eBook Formats
 - ePub, PDF, MOBI, and More
 - Outlines Of Law Compatibility with Devices
 - Outlines Of Law Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Outlines Of Law
 - Highlighting and Note-Taking Outlines Of Law
 - Interactive Elements Outlines Of Law
- 8. Staying Engaged with Outlines Of Law
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Outlines Of Law
- 9. Balancing eBooks and Physical Books Outlines Of Law
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Outlines Of Law
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Outlines Of Law
 - Setting Reading Goals Outlines Of Law
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Outlines Of Law
 - Fact-Checking eBook Content of Outlines Of Law

- 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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