Pre-Writing Analysis
Applying Rules to Facts

Carefully read the statement of facts, the question to be analyzed, and the rule. List the facts each side would want to emphasize. Bring your assignment with you to class.

STATEMENT OF FACTS

Sawyer, who has a reputation as a practical joker, telephoned Harrison and, as a joke, offered to sell Harrison his motorcycle for $3,000 because his employer was transferring him to Europe. The motorcycle was worth $18,000. Harrison, who did not know about Sawyer’s reputation, but who did know the true value of the motorcycle, later told his wife about Sawyer’s offer, then said “He can’t be serious,” and, “he must be crazy.” He then told Sawyer that he needed time to raise the money.

One year earlier Sawyer and Harrison had made an $8,000 bet on the World Series, which Sawyer had lost. Assume that making this kind of bet is legally enforceable. Sawyer had never paid this bet and Harrison had forgotten about it.

The day after Sawyer’s initial offer, in furtherance of the prank, Sawyer telephoned Harrison, reminded him of the debt, and said, “How about if I transfer the motorcycle to you in payment for the World Series debt I owe you?” Harrison still wanted time to think it over.

Harrison left a message for Sawyer the next day accepting the motorcycle in exchange for the payment of the bet. Sawyer refuses to turn over the motorcycle.

QUESTION TO BE ANALYZED

Did Sawyer make an enforceable offer to sell the motorcycle for $3,000?

RULE

An “offeror must intend to make a binding contract.” McAdoo v. Ellis, 492 S.W.3d 123, 126 (Mo. Ct. App. 2008). Intent is determined by “whether a reasonable person in the offeree’s shoes would believe that the offeror intended to make a binding contract.” Id.