

## Hypos for real estate contract breach

1. Contract to sell Snortacre; structure explodes, burns down before closing because of seller's meth lab
2. Merchantable title
  - a. Seger contracts to sell Tigeracre to Kirby; Tigeracre is owned by George Felinefile; before the contract, he sold Tigeracre to Seger in FSA to become possessory at such time as the last Bengal tiger now living on Tigeracre dies
  - b. L.E.
  - c. Zoning ordinance: no educational activities
    - i. No violation
    - ii. Current violation: School: Jazz Sax; buyers purpose is choral singing
  - d. Chromium plant
  - e. German sellers in violation of no foreigners covenant
  - f. In contract: "subject to covenant that no heavy metal ever be played on property"
3. Failure to disclose Orangedusk as neighbors
  - a. Orangedusk is playing when buyer inspects
  - b. Orangedusk has taken a break from practicing
4. Homebuilder sells for principal residence
  - a. residence; thatched roof (plastic sheeting/big canvas tent) covered by asphalt shingles
    - i. original buyer
    - ii. downstream buyer
  - b. Residence; natural gas heating system
    - i. 25 years passes
    - ii. Everyone has moved to combination of solar panels and fuel cells
    - iii. Claim breach of warranty
    - iv. Downstream buyer
  - c. Residence with "convertible" (retractable canvas roof)
    - i. Original buyer
    - ii. Downstream buyer
5. Warranty:

- a. Builder deliberately doubles spacing of floor joists, and uses 2/4s instead of 2/8s; sells to sister, who then puts it on market; recovery in NH?
- b. Floor joists properly spaced 2/8s, but carpenters get lazy, just set joists on sill, with no nails or screws, and lay subflooring over them, with no nails or screws
- c. Floor joists properly spaced 2/8s, carpenters nail them to sill and to subfloor; neighborhood kids come out in dead of night and pull all the nails