

# **Exercise - Formation of Contract**

**TU 122 2-2020 1 March 2021**

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## **Please read the hypothetical situation and answer questions below**

- On 1 Feb 21, A thought that his friend B may be interested in buying his iPad which was seen by B before in the classes they studied together. A wrote B in WhatsApp saying that “I want to sell you my iPad for only 8,000 THB. Are you interested?” 2 weeks passed, B did not reply. WhatsApp showed that B had not read the text.
- On 25 Feb 21, B met A at the campus. B said that he wanted to buy A’s iPad. A was upset that his best friend, B, did not even read the text. So A did not say anything.
- On 26 Feb 21, A woke up and forgave B because friendship is important. A then texted B that A would sell B his iPad.
- On 27 Feb 21 morning, B’s mom surprised B with a new iPad. Later that day, A called B and ask B to pay for the price. B refused.

# Questions

- Is A's message on 1 Feb 2021 an offer or an invitation to treat? Please provide legal reasons.
- Is B's words on 25 Feb 2021 an acceptance? Was the contract formed that day? Please provide legal reasons.
- What is A's text on 26 Feb 2021 from the perspective of Formation of Contract? Please provide legal reasons.
- On 27 Feb 2021, can B refuse to pay A? Please provide legal reasons.

# More questions from your everyday life :D

- From the scenarios below, when does the **invitation to treat**, the **offer** and the **acceptance** take place? When is the **contract concluded**?
- As the midterm exam is approaching, A is studying hard.
- Question 1: A is stressed, so she wants to buy something. A then goes to Muji shop. Suddenly, she needs colorful pens to add joy to her study. A picks 10 pens. Each costs 30 THB. A brings it to the cashier. The cashier says the total cost is 300 THB. A then realizes about the environmental problem and that she does not need 10 more pens. She apologizes to the cashier and says she wants to buy only one pen. She then pays 30 THB for the pen.
- Question 2: A then finds a place to study. She goes to Starbucks. A goes to the counter, looks through the menu with prices and orders Cafe Late. The cashier says it costs 170 THB. A pays. 5 mins later, A gets the coffee.

- Question 3: On the journey back home, A is hungry. So she goes to the noodle restaurant near her house. She orders “Yentafo, thick noodle, no beansprout - eat here”. The cook starts to boil the noodle. 5 mins later, the noodle is served. When she finishes her meal, she pays 50 THB.
- Question 4: On the next day A studies at home. A has an idea that, apart from good sleep, enough exercise, she should eat something good for her brain. So she orders “Salmon Salad with multigrain and walnuts” on the application *Food Slot*. After the application calculates the price including the delivery cost, she clicks “order”. The application shows that the restaurant is preparing the food. 2 mins later, the restaurant calls to inform A that today the restaurant does not have Salmon and asks if it can use Tuna imported from Japan instead. A says yes. 40 Mins later, the delivery person brings A Tuna Salad. A pays by cash.
- Question 5: A wants to rent a room near the university so she can take online exams quietly. A searches for rooms in internet and becomes very interested in F’s apartment. In the Ads, it shows the pictures, the price per week and the full address. A adds F’s Line and texts F that she is interested in renting the room and asks if she can see the room.