

**QUESTION 1 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK I
OR IN SOFTEST ANSWER SCREEN 1**

Dan took his 19-year-old son Paul to the local used car lot in Main, Michigan. Paul saw a car he would like to own, but could not afford to buy. Paul whined and begged his father for the car, and eventually Dan relented, telling Paul that: "Because you love this car so much, I promise to buy it for you tomorrow." Paul, seizing upon Dan's moment of generosity, voiced his agreement and immediately wrote a notation of Dan's promise in his notebook.

The next day, Paul was eager to return to the used car lot so that his Dad could purchase the car. But Dan put the brakes on that notion. Dan said to Paul: "Not so fast. You haven't been doing your chores lately, so I decided not to buy you the car after all." The following week, Dan instead bought Paul a motor scooter, which Paul accepted and drives around town.

Paul sued his father Dan, seeking the value of the car. Dan counterclaimed for the price of the motor scooter, and Paul defended by asserting that the scooter was a gift.

Who will prevail in Paul's suit regarding the car? With respect to Dan's counterclaim, who has the burden of proof, and who will prevail? Explain your answers..