

**QUESTION 9 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK III**

Gina Giftgiver is the aunt of Nancy Niece. Two months before Nancy's 21 birthday, Gina told Nancy she would give Nancy her pearl necklace and \$20,000 on Nancy's 21' birthday, no strings attached.

The next week, Gina was critically injured in an automobile accident and was hospitalized in the Intensive Care Unit.

When Nancy visited Gina in the ICU, Gina was about to undergo serious surgery. When she was wheeled into the operating room, Gina handed Nancy her diamond bracelet and said, "I want you to have this if I don't make it."

Remarkably, Gina recovered from her injuries and returned home. On Nancy's 21' birthday, Gina invited Nancy over to her house and presented her with the pearl necklace. The next morning Nancy called Gina to thank her for the necklace and casually inquired about the \$20,000. Gina erupted in anger, told Nancy that she wasn't getting any money, and demanded that Nancy return both the pearl necklace and the diamond bracelet at the next family gathering. In the meantime, Nancy has visited your office for some legal advice.

**Assess: (a) whether Nancy is required to return the pearl necklace to Gina; (b) whether Nancy is required to return the diamond bracelet to Gina; and (c) whether Gina is legally obligated to give Nancy the \$20,000 gift she promised. Explain your answers.**

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