

**QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV
OR IN SOFTEST ANSWER SCREEN 10**

Cedric owns and operates a bicycle shop in Grace City, Michigan where he sells high-end bikes and accessories and performs bike repair and upgrade work. Benny took his bike to Cedric's shop for repairs and accessorizing. Benny told Cedric that he needed the bike work completed and the bike returned as soon as possible to prepare for a road race. Cedric estimated that he could have the bike ready within a week and quoted Benny a price of \$300 to perform the work. Cedric accepted a \$150 deposit from Benny, who left the bike with Cedric for that purpose. Cedric completed work on the bike within a week, as he had estimated to Benny. At that time, Benny began to repeatedly telephone to retrieve the bike from Cedric's shop. However, for nearly another week Cedric misrepresented that the work was not yet finished, and began using Benny's bike to run personal errands. Cedric rode Benny's bike to his local bank where he left the bike unattended and unsecured while he conducted personal banking inside. When he exited the bank, Cedric discovered that Benny's bike was missing. It was never recovered.

Applying Michigan law, discuss fully:

- (1) The nature of the relationship between Cedric and Benny, and**
- (2) Any theories of recovery Benny could pursue against Cedric for the missing bike, including the likelihood of success.**