

QUESTION 10 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK IV

Mike and David had been friends for many years. Recently, Mike noticed that David had been distant and severely depressed because he had lost his job and his wife had left him. David's depression seemed to worsen in spite of trying several anti-depressant medications.

One night, while at dinner together, David said to Mike, "I'm quite sure I'm not going to make it out of this, Mike. I can't take this depression any longer." Motioning to his wrist, David said, "You know this gold watch? I want you to have it." David took the watch off and clasped it on Mike's wrist. Mike smiled sadly and said, "Thanks, David. I cannot wait to hand it back to you once you make it out of this." Mike took the watch home and wore it every day thereafter.

David committed suicide three days later. David had a will, which left his entire estate to his son Herbie. Herbie knew his father had a gold watch and, after learning that Mike had it, asked Mike for it. Mike refused, and Herbie responded by suing Mike for the watch.

Applying principles of Michigan law, who is entitled to the watch? Explain your answer.

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