

**QUESTION 13 THE ANSWER TO THIS QUESTION SHOULD GO IN BLUEBOOK V
OR IN SOFTEST ANSWER SCREEN 13**

Brian started a lawn maintenance business in March 2016. His brother Steve supplied all of the needed lawn maintenance equipment (lawn mowers, blowers, etc.). Brian did all of the lawn maintenance work himself, with the occasional assistance of some local teenagers. For the first few months of operation, Brian gave half of the gross profits to Steve as payment for the lawn equipment, and kept half for himself.

Beginning in July 2016, the lawn maintenance business experienced a huge upsurge in business, and gross profits improved substantially. Brian gave Steve approximately the same amount of money he had given him in previous months, and kept the remainder of the proceeds for himself. Steve protested, claiming that, as a partner in the lawn maintenance business, he was entitled to a larger amount of money. Brian denied the existence of a partnership, and no writing exists.

Applying principles of Michigan partnership law, discuss:

- 1. Which party bears the burden of proof regarding the existence of a partnership?**
- 2. What is the burden of proof required to establish a partnership in this case?**
- 3. Whether a partnership exists between Brian and Steve? Discuss your answers in full.**