

Little vs. Jenks

Confidential Information for Car Seller

Participants: Car Seller & Car Buyer

You are 20 years old and unemployed. Three months ago, you advertised that your 15-year-old souped up car was for sale. A friend of yours asked to purchase the car from you. You didn't really want to do it because s/he was a friend and the car had always been one big headache to you. You were afraid that if anything went wrong with the car later, it might spoil your friendship. So you told your friend about the various things that were wrong with the car.

Nevertheless, your friend insisted. S/he explained that s/he had a new job in Boston and had to have a car. Your friend could afford yours and insisted on buying it. So finally you sold it to your friend for \$700 about ten weeks ago. S/he seemed really happy with the car on the date of the sale and especially liked the "souped-up" look of it.

Two weeks later, your friend called back to say s/he wanted to return the car and get the money back. The car had failed to pass inspection because of a faulty exhaust system. You felt bad for your friend and said you would take the car back and give the money back. You had never had any trouble getting it inspected in the past and figured you would have no trouble getting one. (Your uncle owns a garage that inspects cars for the state.)

The next day, however, you changed your mind. First, you realized after going over your account, it was going to be hard giving the money back because you had already spent it. The only money you have coming in is from odd jobs: cleaning yards, painting and washing windows in the neighborhood. You only earned about \$100 from these jobs last week. Second, you warned your friend that the car was not perfect at the time of sale. S/he had said she wanted it anyway. Third, you found out from your dad that the used car law does not cover a car that sells for less than \$750.

You told your friend the next day that you would not take the car back. Your friend filed suit against you in small claims court the very next day. The two of you have not spoken since. You are dumbfounded that your friend would feel cheated. You thought your friendship was stronger than that. The court referred you to mediation and you hope to work it out.

Little vs. Jenks

Confidential Information for Car Buyer

Participants: Car Seller & Car Buyer

You are 23 years old. You got a new job in Boston about three months ago and found you needed a car. Around that time, you learned that a friend of yours was selling a 15 year old souped up car. You asked your friend to sell it to you for \$700 and the deal was completed about ten weeks ago. After you paid for the car, you overheard your friend say to his/her father, "Well, now all my headaches are gone." Given that you two are good friends, you thought little of the comment.

Within one week, you figured out what your friend's comment meant. You began to get headaches from the fumes that filled the car whenever you drove it! Two weeks after you bought the car, you took the car to be inspected at Harry's Garage. The car failed inspection and you couldn't get a sticker. Harry explained that the entire exhaust system needed to be replaced. It would cost at least \$250 to complete the job. Harry also suggested that whoever sold you the car probably knew about the problem at the time of the sale.

You were surprised and angry. Although your friend told you about various other problems wrong with the car, there was nothing mentioned about the exhaust. You know you said that you needed a car that you could rely on for work. How could your friend sell you a lemon? You called your friend immediately and asked for your money back. Your friend felt sorry for you and agreed to take the car back and give you back your money.

The next day, however, your friend called and said that there would be no return of the money. As far as your friend was concerned, the car was now your problem. You were furious. The next day, you filed a small claims suit to recover your \$700. You and your friend have not spoken to each other since the evening of your last phone conversation. You are sorry that your friendship seems over. But you feel strongly that your friend should not have sold you "lemon" and that s/he should make it good.

You are wondering if the Used Car Warranty Law covers this situation. The car has been parked in your driveway for the past two months. It cannot be legally driven without an inspection sticker. Your landlord is pressuring you to get rid of it. You're not sure what to do.