

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.