

SAMPLE EXAM QUESTIONS

I. Short Answer Questions

The instructions for the short answer questions on the exam will look very much like this:

Part I of this exam contains _____ brief fact scenarios. One to _____ questions follow each scenario (_____ questions in all in Part I). Please answer these questions. To receive credit, you must

(1) answer the question correctly and

(2) in ten words or fewer justify your answer.

At least one law we have studied resolves each question. Justify your answer by identifying the applicable law(s) or rule(s) (by writing it out or by reference using case name, statute subsection, or the like, if applicable). Occasionally you may have to explain briefly the law's application. Each question is designed to require fewer than ten words of justification; most require only one to four words. I recommend that you spend not more than _____ hours (_____ minutes) responding to these questions (that is just _____ minutes per question not counting time to read the fact scenarios—you will have to hurry). Your answers to them will be worth approximately _____% of your grade.

1. Willard filed out an Articles of Incorporation form that he obtained from a formbook, signed and dated it, and sent it by U.S. mail with a check for the filing fee to the Secretary of State's office. The corporate name he chose and placed on the form was "Wahzu, Inc." Three days later, Willard received back in the mail from the Secretary of State an acknowledgment stating that the Articles of Incorporation for Wahzu, Inc. had been filed by the Secretary of State's office the day after Willard sent them in. Willard checked with the Secretary of State's office and found that Wahzu, Inc. was in good standing, and a copy of the Articles appeared in the files. That afternoon, Willard and his friend Bob, the initial board of directors named in the Articles, at a board meeting resolved that Willard was Wahzu, Inc.'s agent for all purposes including signing a certain lease. Then Willard signed the lease for Wahzu, Inc.; he signed it, "Wahzu, Inc., by Willard Smith as agent of and for Wahzu, Inc." Two days later, Willard's Articles of Incorporation and check were returned in the mail with a notice stating that the name and filing of Wahzu, Inc. would not be allowed because it was too similar to another corporate name. Willard called the Secretary's office, where a minor bureaucrat explained that the filing had been a mistake and had been withdrawn. When later Willard is sued in court on the lease, can he defend himself by claiming it was a corporate obligation? Please answer and briefly justify.

[You should be able to answer this question after Syllabus Day 4.]

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Table of Contents Leim Xam Uestions Nd Xplanations 17th Dition

1. Understanding the eBook Leim Xam Uestions Nd Xplanations 17th Dition
 - The Rise of Digital Reading Leim Xam Uestions Nd Xplanations 17th Dition
 - Advantages of eBooks Over Traditional Books
2. Identifying Leim Xam Uestions Nd Xplanations 17th Dition
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Leim Xam Uestions Nd Xplanations 17th Dition
 - User-Friendly Interface
4. Exploring eBook Recommendations from Leim Xam Uestions Nd Xplanations 17th Dition

- Personalized Recommendations
 - Leim Xam Uestions Nd Xplanations 17th Dition User Reviews and Ratings
 - Leim Xam Uestions Nd Xplanations 17th Dition and Bestseller Lists
5. Accessing Leim Xam Uestions Nd Xplanations 17th Dition Free and Paid eBooks
 - Leim Xam Uestions Nd Xplanations 17th Dition Public Domain eBooks
 - Leim Xam Uestions Nd Xplanations 17th Dition eBook Subscription Services
 - Leim Xam Uestions Nd Xplanations 17th Dition Budget-Friendly Options
 6. Navigating Leim Xam Uestions Nd Xplanations 17th Dition eBook Formats
 - ePub, PDF, MOBI, and More
 - Leim Xam Uestions Nd Xplanations 17th Dition Compatibility with Devices
 - Leim Xam Uestions Nd Xplanations 17th Dition Enhanced eBook Features
 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Leim Xam Uestions Nd Xplanations 17th Dition
 - Highlighting and Note-Taking Leim Xam Uestions Nd Xplanations 17th Dition
 - Interactive Elements Leim Xam Uestions Nd Xplanations 17th Dition
 8. Staying Engaged with Leim Xam Uestions Nd Xplanations 17th Dition
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Leim Xam Uestions Nd Xplanations 17th Dition
 9. Balancing eBooks and Physical Books Leim Xam Uestions Nd Xplanations 17th Dition
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Leim Xam Uestions Nd Xplanations 17th Dition
 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
 11. Cultivating a Reading Routine Leim Xam Uestions Nd Xplanations 17th Dition
 - Setting Reading Goals Leim Xam Uestions Nd Xplanations 17th Dition
 - Carving Out Dedicated Reading Time
 12. Sourcing Reliable Information of Leim Xam Uestions Nd Xplanations 17th Dition

- Fact-Checking eBook Content of Leim Xam Uestions Nd Xplanations 17th Dition
- Distinguishing Credible Sources

13. Promoting Lifelong Learning

- Utilizing eBooks for Skill Development
- Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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