

SUPREME COURT OF MINNESOTA

Bosel v. Barge

108 Minn. 524 (1909) · Decided June 11, 1909

SUMMARY

The Minnesota Supreme Court affirmed a judgment awarding the plaintiff \$100 under an agreement in which she assigned her interest in her father's estate to the defendant. The court held that the evidence supported the trial court's findings, including the existence of consideration and the value of the plaintiff's interest, and rejected the defendant's remaining assignments of error.

CASE DETAILS

COURT	Supreme Court of Minnesota
JURISDICTION	Minnesota
DECIDED	June 11, 1909
DISPOSITION	affirmed
PROCEDURAL POSTURE	Plaintiff obtained a judgment after a bench trial for \$100 allegedly due under an agreement concerning her interest in her father's estate. Defendant appealed from the order denying his motion for a new trial.
STANDARD OF REVIEW	The appellate court determines whether the evidence is sufficient to sustain the trial court's factual findings and does not disturb findings supported by sufficient evidence.
PRECEDENTIAL VALUE	Published precedential opinion of the Minnesota Supreme Court
PARTIES	Wilhelm Barge v. Bosel

TOPICS

- contracts
- consideration
- probate
- appellate procedure
- standard of review

PRACTICE AREAS

- contracts
- probate
- appellate procedure

QUESTIONS PRESENTED

- Whether sufficient evidence supported the trial court's findings that defendant agreed to pay plaintiff an additional \$100 for an assignment of her interest under the will.

2. Whether plaintiff's interest under the will supplied consideration for defendant's promise even though the value of the interest was uncertain and defendant might not have received property of profitable value.

HOLDINGS

1. The evidence was sufficient to sustain the trial court's findings, including the finding that defendant promised to pay the additional \$100.
2. Plaintiff's assignment of her interest under the will constituted sufficient consideration even though the value of the interest was uncertain and the bargain might not have been profitable or reasonable for defendant.

KEY QUOTATIONS

"At the time the agreement was made defendant agreed to pay \$150 for an assignment of plaintiff's interest under the will. He took his chances as to its value." (525)

"It was not incumbent upon the plaintiff to show that such value was so great as to make the bargain profitable or reasonable for the defendant." (525)

FACTUAL BACKGROUND

Plaintiff and her brother inherited interests under their father's will in household furniture, money, notes, and other securities, while defendant received the father's real estate. Plaintiff alleged that she assigned and released her interest in the personal property and estate to defendant for \$150, receiving \$50 initially and \$100 after their mother's death. Defendant admitted paying \$50 but denied promising the additional \$100. The trial court found for plaintiff, and the record contained evidence supporting both the agreement and the value of the interest assigned.

PROCEDURAL HISTORY

Plaintiff sued defendant in the District Court for Sibley County to recover \$100 allegedly promised in exchange for an assignment and release of plaintiff's interest in her father's estate. After a court trial, the trial court found for plaintiff and ordered judgment for the amount demanded. The Minnesota Supreme Court reviewed defendant's appeal from the denial of a new-trial motion and affirmed.

DISPOSITION

affirmed

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