

Research paper on facts

Law, Criminal Justice



Introduction

The imperfectness of modern law system has influenced not one citizen of the United States of America. Employees are the ones, who suffer the most from the disadvantages of the labor law of the country. The point is that in most cases, it is difficult to prove something. The employers are clever enough not to write their promises down. Hence, it is difficult to prove something.

This case analysis is devoted to one of such cases. The essay will be divided into several parts. In the first part, I will outline the case background. It is significant to know all the peculiarities of the case being studied. The second part of the essay will be devoted to the case brief. In this part, I will present main facts, procedures and questions to be answered. The third part will be devoted to the analysis of current implementations of the case. Whereas, the fourth part of the essay will be devoted to the issue of the analysis of future implementation of the case. In the last part, I will present my personal opinion on the issue.

Bart was working for Billy as a computer engineer for fifteen years. He made a lot of money for Bill – his boss. Bart owned a house in Florida. In some time, Bill addressed to Bart to work for him in Indianapolis. For this purpose, Bart had to leave his house in Florida. However, Bill promised Bart to provide his with job until the rest of his life.

As I have already mentioned, Bart had a house in Florida. On the contrary, he did not have time to sell it. Hence, he made his son Albart his agent. The problem was that Albart sold the house for a much lower price that his father had asked him. During the deal, it was agreed that Barney, the new owner of

the house, would pay additional money. Hence, in the end, the price would be the same as Bart asked.

In Indianapolis, Bart faced another problem. He bought a house for three hundred thousand dollars. However, in some time, someone started to build a Seven Eleven store on his land. Bart found out that it was a mistake. In some time, Bart went to New York and signed an agreement. However, when he came back to Indianapolis, he found out that the Seven Eleven store had been already built. Moreover, there were drunks at the Pepsi parking lot near the store.

Meanwhile, Bart had problems with his job. In six weeks, Bill decided to save some money and let Bart go. To reward for his good job, he promised Bart to pay for his house. However, in a month Bill changed his mind again and stopped the payment.

Hence, Bart does not have either a good house or a job. On the other hand, it would be difficult for his to prove anything. The point is that Bill only promised him both job and payment. The other side of the problem is the new Bart's house in Indianapolis. The drunks at the Seven Eleven store disturbed Bart. Moreover, some of the Bart's territory was taken by the store. It has been mentioned that it was done by a mistake. However, the mistake had a negative impact both on the reputation of the company and Bart's mood. In the next parts of the essay, I will research the case in more details. There are two cases in one. The first case concerns Bill and Bart affairs. The difficulty of the case is that it will be rather difficult to prove anything. Bill gave promises orally and without witnesses. The second case concerns Bart and the Seven Eleven stores. The point is that building the store on Bart's

land was illegal. In this case, Bart should sue the chain of Seven Eleven stores.

It has been already mentioned above that Bart does not have any evidence to sue Bill. Fortunately, or unfortunately, Bill is a wise employer. In my opinion, he knew from the very beginning that Bart would not work for him for a long time. Perhaps, he made all the promises only to make Bart agree to work for him and help his company prosper. The point is that in this situation, Bart can do nothing to solve the issue. The only thing he can do is to sell his new house in Indianapolis and move back to Florida. However, he had to buy a new house, because the old one was already sold. On the other hand, he will not sell his new house for the same price as he has bought it. The problem is the Seven Eleven store nearby and the drunks on the Pepsi parking lot. In this situation, the only case of our concern will be the case of Bart vs. Seven Eleven.

- There is a document proving that Bart bought the house;
- The owner of the house knows that the house is sold;
- Bart knows the boundaries of his land;
- He was not asked for a permission to build the store, as well as the parking lot.

In this case, Bart should file a complaint in the local Seven Eleven office. This should be done obligatory. The point is that one should try all the methods before going to the court. In some cases, this can become one of the main argument against the Seven Eleven store chain. Moreover, Bart should file a complaint in the Planning and Building department. The point is that this

department is the one that decides upon the real estate property. To file the complaint, Bart will need:

“ a. A copy of your plot plan;

- b. The signature of the Planning & Building Director (notarized);
- c. The signature of the property owner of record (notarized);
- d. Any fees charged by the Recorder’s office (approx. \$40, but determined by Recorder at time of recording);” (Easement encroachment agreement. Cover sheet)

If Bart does not get any clear answer of an agreement, he can apply to the Court. According to the Indiana laws, Bart should appeal to the Court of Appeals of the state. Bart should file a complaint suing the Seven Eleven stores chain. As his house is located in Indianapolis, Indiana, the trial will take place in this city.

The main idea of the trial is to prove that the managers of the Seven Eleven stores chain should have asked Bart for permission not only to build the store nearby, but also to trespass to his land. Bart’s barrister should prove that he owned the land before the building had started. In this case, Bart should present all the documents and ask the previous owner of the house to be a witness.

The rule of the law is the main part of the case brief. In this part, it is significant to realize what law are addressed in the case. In this case, Bart has all the chances to win the case. The point is that building the store on Bart’s land, the company violated not only the property laws of Indiana, but the Constitution of the United States, as well. The fourteenth Amendment of the Constitution of the United States state:

“ Section 1. All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.” (Constitution of the United States of America)

- Bart should file a complaint both in the Planning and Building department and the office of the Seven Eleven stores chain;
- Bart should collect all the documents he has that prove his ownership;
- Bart should address to the previous owner of the house. He can witness that Bar bought the house before the building started;
- If the case is not solved in the Planning or Building Department or by the regional managers of the Seven Eleven stores chain, Bart should file a complaint in the Court of Appeal;
- During the trial, Bart’s barrister should provide all the documents on the land. The main argument will be that the Seven Eleven stores chain has violated the fourteenth Amendment of the Constitution of the United States of America.

Current and future implementation

These two parts of the essay I have united because the Bart’s case is unique. Nowadays, there have been no cases when a building company trespassed the neighbor land. Hence, the decision will become rather significant not only in the history of the Indiana criminal law, but also in the history of the criminal law of the United States of America. I have already mentioned for

several times that Bart has all the chances to win the case.

Moreover, the Bart's case will be a good example for those builders who consider trespassing a good idea. The point is that some citizens of small cities do not even know the sizes of their land (especially those, who live in the same house for several decades). Besides, when a store is about to be built, managers do not survey the neighbors. The Bart's case will show that every person should fight for one's rights.

In the case details, it is mentioned that drunks disturb Bart. In this case, he can file a complaint against Pepsi, as well. Bart has all the chances to win this case, as well. The point is that there is a stated amount of noise allowed in the neighborhood. Some say that Bart can call police every time he is disturbed. However, it is not the way out. The point is that in some cases, police officers will have something more significant to do rather than trying to stop drunks. This case Bart vs. Pepsi will show ordinary citizens that they can sue even the company that owns a parking lot for drunks there.

Hence, I may conclude that Bart's cases may become significant and influence greatly the future decisions of the Court of Appeal of the United States of America. Obviously, the cases will influence only the Indiana laws from the very beginning, because every state has its laws. However, in the nearest future, every state will implement laws that order to conduct a survey among neighbors, as well as observing their rest.

Personal Opinion

I have already mentioned above that Bart's situation is rather difficult. Obviously, it will be difficult for his to overcome the trials because he does not have much money for barristers. Moreover, he does not have much time.

The point is that in most cases, reviewing a complaint in an office of a manufacturer takes too much time. Moreover, Bart can find out that his complaint is lost or left somewhere. The same goes for the Planning and Building Department. On the contrary, in this case, Bart cannot wait because the noise is rather disturbing. Besides, Bart had some plans on what he wanted to do with his land. Now all the plans are broken.

I have already mentioned for several times that Bart has the highest chances to win the cases. The Seven Eleven building and trespassing Bart's land violated not only the property laws of Indiana, but also the fourteenth Amendment of the Constitution of the United States of America, as well. The Constitution of the United States of America is the highest law.

In my opinion, the Bart's cases are revolutionary in the history of criminal law of the United States of America. I should admit that Bart should ask for material consideration in both cases, as well. The Seven Eleven stores chain should pay him for using his land. On the other hand, Pepsi should pay him for disturbance. Bart could not work or relax.

On the other hand, there is the case Bart vs. Bill. I did not consider this case while the research because Bart could not provide any clear evidence.

However, in my opinion, Bart should simply talk to Bill. Bart was working for Bill for fifteen years. They have become friends, perhaps. On the other hand, at least they have close relationships. Bart helped Bill organize his business and made it a state company. Hence, Bill should at least respect Bart.

Perhaps, he will not fulfill all his promises. However, Bill and Bart may find some solution that satisfies both.

Conclusion

This essay was aimed at analyzing the case. The essay consisted of several parts. In the first part, I outlined the main peculiarities of the case. I outlined that there were two cases of concern: Bart vs. Bill and the Seven Eleven stores chain vs. Bart. The second part of the essay was aimed at the researching and detailed examination of the case Bart vs. the Seven Eleven stores chain. In the next part, I explained the significance of the case for modern and future of the criminal justice system of the country and the state. In the last part, I presented my person opinion on the case. Besides, I provided a solution for the case Bart vs. Bill.

Resources:

Daugherty C., Flora C. (2013) Survey on recent developments in real property law. Indiana Law Review. Vol. 46: 1199

The constitution of the United States of America. Retrieved from <http://constitutionus.com/>

n. a. (n. d.) Crimes against property. Retrieved from <http://www.sagepub.com/lippmancc12e/study/supplements/Florida/FL13.pdf>

n. a. (n. d.) Issues derived from the use and enjoyment of property. Retrieved from http://www.in.gov/nrc_dnr/lakemichigan/prorights/prorights2.html

gov/nrc_dnr/lakemichigan/prorights/prorights2.html

n. a. (n. d.) Indiana department of transportation. Real estate division.

Retrieved from <http://www.in.gov/indot/files/PropertyManagementManual.pdf>

n. a. (n. d.) Easement encroachment agreement. Cover sheet. Town of Avon

<https://assignbuster.com/research-paper-on-facts/>

Pyatt A., Marsh T. (2010) The stagnation of Indiana real property law. *Indiana Law Review*. Vol. 43: 967