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DEATH OF CONTRACT: SECOND EDITION

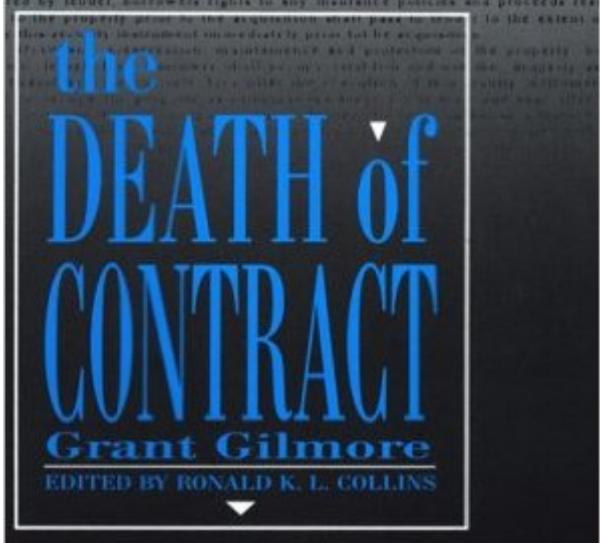
Erected on the property insured against loss by fire, hazards included extended coverage and any other hazards, including floods or flooding, for which insurance. This insurance shall be maintained in the amounts and for the periods required. The insurance carrier providing the insurance shall be chosen by a Lender's approval which shall not be unreasonably withheld. If Borrower's coverage described above, Lender may at Lender's option, obtain coverage rights in the Property in accordance with paragraph 7.

If insurance policies and renewals shall be acceptable to Lender and the mortgagee clause. Lender shall have the right to hold the policies and require Borrower shall promptly give to Lender all receipts of paid premium.

In the event of loss, Borrower shall give prompt notice to the insurance carrier, Lender may make proof of loss if not made promptly by Borrower. If Lender and Borrower otherwise agree in writing insurance proceeds shall be used to repair or replace the property damaged. If the restoration or repair is less than Lender's security would be lessened, the insurance proceeds shall be apportioned by the security instrument whether or not then due, with any excess. If Borrower abandons the property or does not answer within 10 days after the insurance carrier has offered to settle a claim, then Lender may use the proceeds. Lender may use the proceeds to repair or restore the property covered by this security instrument, whether or not then due. The 10 day period notice is given.

Unless Lender and Borrower otherwise agree in writing, any application for a loan shall not exceed or postpone due date of the monthly payments referred to in paragraph 2 or change the amount of the payments. If under paragraph 2, if made by Lender, Borrower's rights to any insurance policies and proceeds resulting from the property prior to the acquisition must pass to Lender to the extent of the amount outstanding immediately preceding the acquisition.

Grant Gilmore
Edited by Ronald K. L. Collins



Synopsis

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Customer Reviews

Reading Death of Contract is like a fresh glass of water after a hot day at work. It refreshes the mind, and makes you think that there can be some coherence to Tennyson's 'lawless science of the laws'. The beauty of Gilmore's concise and short tome (I devoured it in three hours) is that it makes you begin to see contract law for what it really is: a construct designed by academics and over clever jurists, who have hyped up dead cases to the max in order to create their vision of 'contract law'. It would be easier at this stage to descend into legalese, naming cases, and tediously analyzing the way Gilmore crushes the sacred cows that these landmarks in contract law have become. Poor lawyers all know the precedents Gilmore takes on: *Foakes v Beer* ; *Stilk V Myrick*. What this book does is demonstrate the mangled reasoning of these cases. We learn that they achieved fame through their selection by conservative law school after conservative law school as staple fodder for years of aspirant lawyers. The cases that make up the foundations of contract law come across as aberrations, lucky strikes that have gone on too long. Gilmore shows that contract law is no holy part of out legal matrix. Instead, it is an incredibly fluid field of law, and we can legitimately, even after three hundred years of decided cases, still be allowing ourselves to ask when a contract actually is a contract. Gilmore sees contract law as analogous to your first battered up motor: a good runner, you have your fun with it, but there comes a point when its time to upgrade. I like his reasoning: there has been a death of contract.

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