

## **Bailment**

Bailor temporarily transfers exclusive possession and control to (*and accepted by*) Bailee, pursuant to express or implied contract, or by operation of law:

- Duty to redeliver undamaged to bailor; if not, bailee's burden is **to show due care**
- Container/Ordinary Contents Rule: bailment exists for *known* contents and *unknown ordinary* contents, but not for unknown extraordinary contents
- Bailee's absolute liability for loss:
  - unauthorized use
  - misdelivery
  - breach of agreement to insure

Types of Bailments:

- B/B'ee** - For sole benefit of bailee  
- B'ee liable for slight negligence  
e.g.: *A borrows B's car*
- B/B'or** - For sole benefit of bailor  
- B'ee liable only for gross neg.  
e.g.: *B stores A's stereo*
- B/mb** - For mutual benefit  
- B'or liable only for ordinary neg.  
e.g.: *B takes A's shoes for repair*