



Chris Griswold, P.C.

News From the Firm

September 2015

### Message From Chris....

*Martin Milner*, the star on “**Adam 12**” from around 40 years ago, died this month. Although a pretty old TV series, “**Adam 12**” (a sequel to “**Dragnet**” which was also created by R.A. Cinader and Jack Webb back in the 1950’s) was sort of ahead of its time (like “**M.A.S.H.**” was then too) and, in my opinion, lead the way for a lot of the action-packed police based movies and television shows we all now enjoy (which is a pretty timely topic in itself with the well received “Back the Blue” movement we’re currently seeing in relation to a lot of police-aimed violence nationally). Anyway, “**Adam 12**” brought up some pretty interesting legal issues from time to time which are worth mentioning now. See below (and don’t forget to click on my Facebook or YouTube links below to also see my short video on this material).

### Bona Fide Purchasers For Value

On one episode, Milner (Officer “Pete” Malloy) responds to a call where a gentleman’s front lawn was stolen which resulted in the beginning of a “theft of real estate” plot. Milner’s character carefully discerned how, since the grass was still in the form of sod pieces (fresh from the hardware store) when it was stolen (and hadn’t yet grown onto the real estate so as to become affixed to/attached to the real estate), made the matter a theft of real estate which was still personal property (so as to warrant police involvement as a criminal matter, not a trespass/adverse possession claim under civil law). There’s some Hollywood going on here for sure, but just bear with me!

This brings up something we’ve all heard before, something called a “bona fide purchaser for value,” something we’ll call a “**BFP**.” Basically, it’s the hypothetical person that the neighborhood thief (who stole all the grass sod in the episode) ultimately sold the grass sod to – a person who: 1) *didn’t actually know it was stolen*, and 2) *paid the thief good money for the sod* (*note*: the actual amount that changes hands isn’t overly important, as long as it’s enough to be a reasonable amount of legal consideration to purchase sod).

The interesting thing about BFP’s, a term also used in criminal law, civil law, and in our uniform commercial code (as relating to the sales of commercial goods between a series of wrong-doers/bad actors which ultimately culminate in a sale of such goods to a BFP), is that the law, in varying degrees, upholds the sale to such BFP (since the BFP would otherwise be out their hard earned money they spent), and/or, indemnifies the BFP from attorneys’ fees, liability, etc... for the BFP’s involvement with/purchase of the stolen merchandise - since the law doesn’t want BFP’s to pay the hard consequences for other people’s criminal/bad acts. “Protect the innocent” as they’d say. End of watch....

*The information presented within this article is of a general nature and is not intended to be relied upon as legal advice in any particular matter without first consulting qualified counsel.*

### What My Clients Are Saying

“Chris Griswold has always been proactive and professional. He takes the time to work with us and tailors his approach to our situational needs. My favorite thing about Chris is that he will let me know if there is an easier, less-expensive approach. We look forward to working with him well into the future.”

**Carl S. Milam / President / Western Concepts Restaurant Group / Oklahoma City,  
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