

TEST DI ISTITUZIONI DI DIRITTO PRIVATO II - SCIENZE DEI SERVIZI GIURIDICI (Docente: E.Panzarini) Lunedì 11 dicembre 2017 - ore 17:00

1. La gestione di affari altrui:
 - a) **Fa sorgere obbligazioni a carico del gestore e dell'interessato**
 - b) Fa sorgere obbligazioni a carico del solo interessato
 - c) Fa sorgere l'obbligazione naturale dell'interessato a rifondere delle spese il gestore
2. Il possesso è illegittimo:
 - a) **Quando il possessore non è anche proprietario della cosa**
 - b) Solo quando il possessore è di mala fede
 - c) Quando il possessore ha anche la detenzione del bene
3. La sentenza che accoglie l'azione revocatoria promossa dal creditore per revocare un atto di disposizione del debitore
 - a) Rende nullo l'atto di disposizione
 - b) **Rende inefficace l'atto di disposizione nei confronti del creditore che ha agito**
 - c) Consente a tutti i creditori del debitore di opporre il proprio credito nei confronti del terzo che ha acquistato a titolo gratuito il bene oggetto del negozio revocato
4. Se nel testamento il testatore non rispetta le quote riservate ai suoi legittimari:
 - a) Il testamento è nullo
 - b) Il testamento può essere annullato
 - c) **Il testamento è valido, ma i legittimari possono agire per la riduzione delle disposizioni testamentarie o delle donazioni lesive della loro quota riservata**
5. Quale delle seguenti affermazioni è errata:
 - a) Un terzo può adempiere l'obbligazione del debitore anche se il creditore si oppone, purché non si tratti di prestazioni caratterizzata dall'intuitus personae
 - b) Il debitore può eseguire una prestazione diversa da quella originaria, se il creditore vi consente
 - c) **Se il debito viene ceduto ad un terzo, il debito tra debitore e cedente si estingue e viene sostituito da un nuovo debito tra debitore e cessionario**
6. Quale delle seguenti affermazioni è esatta:
 - a) **Se le parti non prevedono diversamente la novazione oggettiva comporta l'estinzione delle garanzie accessorie del credito**
 - b) Il creditore non può rimettere il debito se si tratta di un debito non liquido ed esigibile;
 - c) La delegazione di debito è sempre liberatoria
7. E' imputabile dell'illecito e risponde del danno :
 - a) l'incapace di intendere e di volere al momento in cui il fatto dannoso si verifica, quando lo stato di incapacità non deriva da sua colpa
 - b) **il minorenni che abbia la capacità naturale di intendere e di volere**
 - c) l'interdetto, mentalmente infermo, sfuggito ai soggetti tenuti alla sua sorveglianza
8. Quale dei seguenti istituti consente all'erede di non rispondere con il suo patrimonio dei debiti ereditari?:
 - a) **L'accettazione dell'eredità con beneficio di inventario**
 - b) La separazione dei beni del defunto
 - c) L'azione di riduzione
9. La notificazione al debitore della cessione del credito:
 - a) Limita la responsabilità del cedente al solo caso in cui il credito non esista
 - b) Consente al debitore di opporre tutte le eccezioni opponibili al cedente anche al cessionario
 - c) **Rende la cessione opponibile al debitore e ai terzi**

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Francesco Muzzarelli



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Table of Contents Test Diritto Privato Docsity

1. Understanding the eBook Test Diritto Privato Docsity
 - The Rise of Digital Reading Test Diritto Privato Docsity
 - Advantages of eBooks Over Traditional Books
2. Identifying Test Diritto Privato Docsity
 - Exploring Different Genres
 - Considering Fiction vs. Non-Fiction
 - Determining Your Reading Goals
3. Choosing the Right eBook Platform
 - Popular eBook Platforms
 - Features to Look for in an Test Diritto Privato Docsity
 - User-Friendly Interface
4. Exploring eBook Recommendations from Test Diritto Privato Docsity
 - Personalized Recommendations
 - Test Diritto Privato Docsity User Reviews and Ratings
 - Test Diritto Privato Docsity and Bestseller Lists
5. Accessing Test Diritto Privato Docsity Free and Paid eBooks
 - Test Diritto Privato Docsity Public Domain eBooks

- Test Diritto Privato Docsity eBook Subscription Services
- Test Diritto Privato Docsity Budget-Friendly Options
- 6. Navigating Test Diritto Privato Docsity eBook Formats
 - ePub, PDF, MOBI, and More
 - Test Diritto Privato Docsity Compatibility with Devices
 - Test Diritto Privato Docsity Enhanced eBook Features
- 7. Enhancing Your Reading Experience
 - Adjustable Fonts and Text Sizes of Test Diritto Privato Docsity
 - Highlighting and Note-Taking Test Diritto Privato Docsity
 - Interactive Elements Test Diritto Privato Docsity
- 8. Staying Engaged with Test Diritto Privato Docsity
 - Joining Online Reading Communities
 - Participating in Virtual Book Clubs
 - Following Authors and Publishers Test Diritto Privato Docsity
- 9. Balancing eBooks and Physical Books Test Diritto Privato Docsity
 - Benefits of a Digital Library
 - Creating a Diverse Reading Collection Test Diritto Privato Docsity
- 10. Overcoming Reading Challenges
 - Dealing with Digital Eye Strain
 - Minimizing Distractions
 - Managing Screen Time
- 11. Cultivating a Reading Routine Test Diritto Privato Docsity
 - Setting Reading Goals Test Diritto Privato Docsity
 - Carving Out Dedicated Reading Time
- 12. Sourcing Reliable Information of Test Diritto Privato Docsity
 - Fact-Checking eBook Content of Test Diritto Privato Docsity
 - Distinguishing Credible Sources
- 13. Promoting Lifelong Learning
 - Utilizing eBooks for Skill Development
 - Exploring Educational eBooks

14. Embracing eBook Trends

- Integration of Multimedia Elements
- Interactive and Gamified eBooks

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