

**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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**Clemens Wendtner**



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