

**ASAKURA/Minimum repeat**

## 択一で逃げ切る講座

### 民法第1回目

辰巳法律研究所  
司法書士専任講師 朝倉日出男

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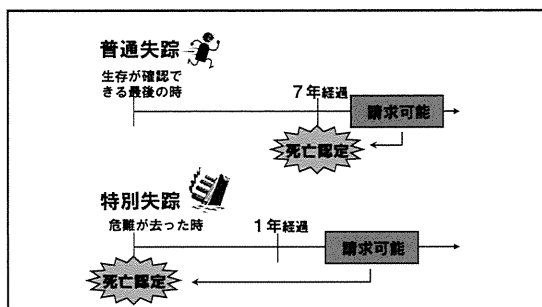
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### 心裡留保(93条)

■ 意思表示の表意者が、表示行為に対応する真意のないことを認識しながら単独の意思表示のこと。

The diagram shows a person A saying "車あげるよ。" (I'll give you a car) to person B. A thought bubble above A indicates they are aware of their true intention. To the right, two boxes specify the legal effect: "原則:有効(93条本文)" (Principle: Valid (Article 93, main text)) and "例外:無効(93条但書)" (Exception: Invalid (Article 93, proviso)).

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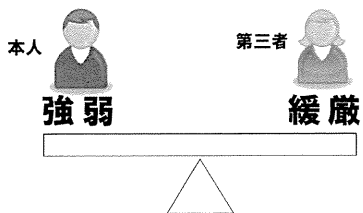
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### 本人の帰責性とのバランス



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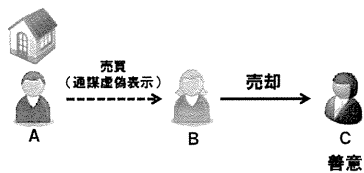
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### 不動産の仮装譲受人からの譲受人



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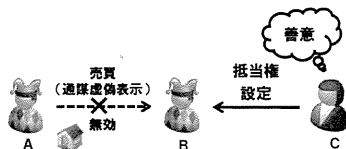
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### 仮装譲受人から抵当権の設定を受けた者



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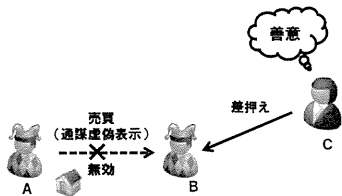
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### 仮装譲受人の差押債権者



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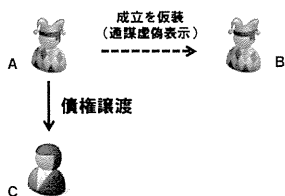
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### 仮装債権の譲受人



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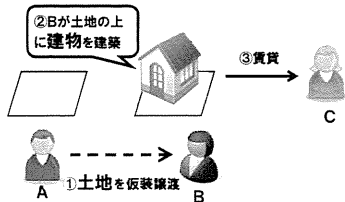
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### 土地の仮装譲受人から その土地上の建物を賃借した者



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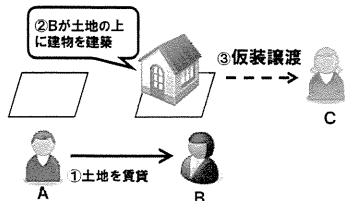
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土地の賃借人がその土地上の建物を  
仮装譲渡した場合の土地の賃貸人




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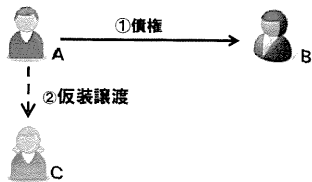
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仮装譲渡された債権の債務者




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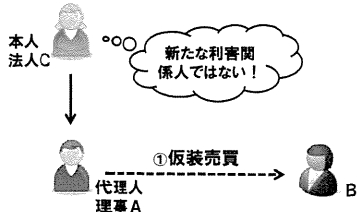
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代理人や法人の理事が虚偽表示した場合の  
本人や法人




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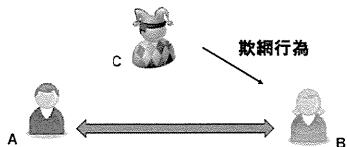
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### 第三者の詐欺(96条2項)

意思表示の相手方以外の第三者の詐欺により意思表示をした場合のこと。



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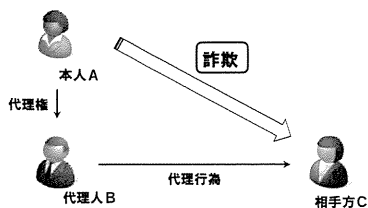
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### ①代理と詐欺



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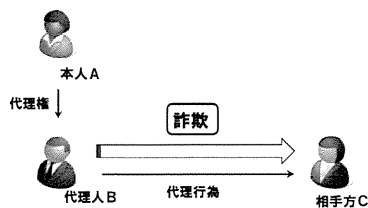
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### ②代理と詐欺



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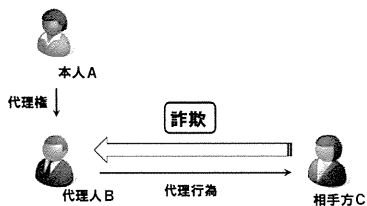
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### ③代理と詐欺




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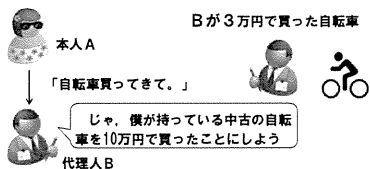
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### 自己契約

同一の法律行為について、当事者の一方が相手方の代理人となること。




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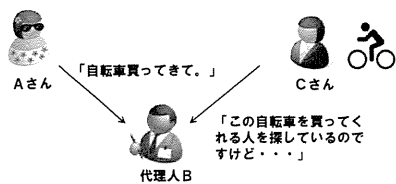
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### 双方代理

Aの代理人BがCの代理人になって取引すること。




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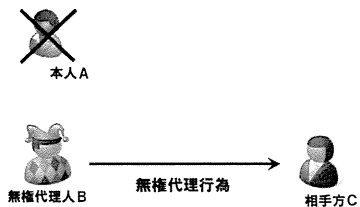
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無権代理人が本人を相続(単独相続)



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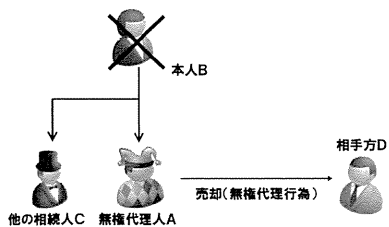
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無権代理人が本人を相続(共同相続)



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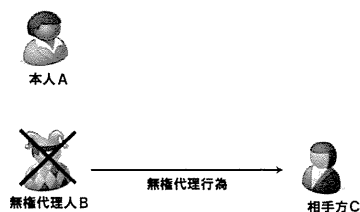
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本人が無権代理人を相続



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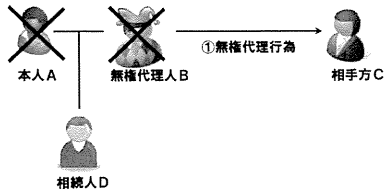
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無権代理人と本人を両方相続



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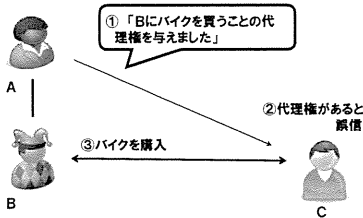
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代理権授与の表示による表見代理(109条)



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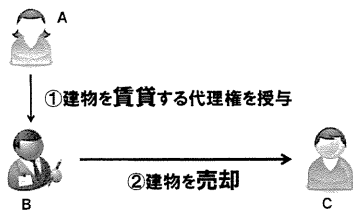
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権限外行為の表見代理(110条)



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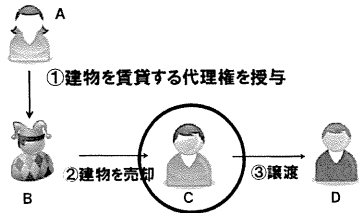
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### 110条で保護される相手方



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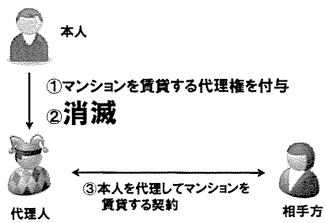
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### 代理権消滅後の表見代理(112条)



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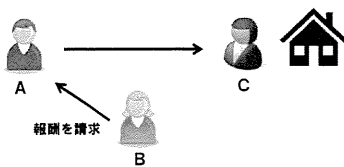
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### 条件成就の妨害による擬制



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