

N.C.P.I.-Civil. 101.65
PEREMPTORY INSTRUCTION.
GENERAL CIVIL VOLUME
AUGUST 1982

101.65 PEREMPTORY INSTRUCTION.

This issue reads:

"(Read issue; e.g., 'Did the plaintiff buy a 1981 Oldsmobile from the defendant on April 1, 1981?')"

The burden of proof on this issue is on *(identify party having the burden of proof)*. This means that *(identify party)* must prove by the greater weight of the evidence that *(state affirmative of issue; e.g., "the plaintiff bought a 1981 Oldsmobile from the defendant on April 1, 1981")*. All of the evidence tends to show that *(state affirmative of issue)*.

Therefore, as to this issue, I charge you that if you find the facts to be as all the evidence tends to show, you will answer this issue, "yes," in favor of *(identify party having the burden of proof)*.

However, if you fail to find by the greater weight of the evidence that *(state affirmative of issue)*, even though there is no evidence to the contrary, then it would be your duty to answer this issue, "no," in favor of *(identify other party)*.