

635.20 ACTION ON UNVERIFIED ACCOUNT - ISSUE OF LIABILITY.

This issue reads:

"Does the defendant owe the plaintiff money on account?"

On this issue the burden of proof is on the plaintiff. This means that the plaintiff must prove, by the greater weight of the evidence, that the plaintiff [sold and delivered goods] [rented property] [rendered services] [performed labor] [loaned money upon an oral contract] [provided consideration under an oral agreement for compensation] to the defendant for which the plaintiff has not been paid.¹

As to this issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence that the defendant owes money to the plaintiff on account, then it would be your duty to answer this issue "Yes" in favor of the plaintiff.

If, on the other hand, you fail to so find, then it would be your duty to answer this issue "No" in favor of the defendant.

1. Even though the account has not been verified, records prepared in the ordinary course of business at or near the time of the transaction involved and authenticated by a witness familiar with the system under which they were made are admissible under N.C. Gen. Stat. § 8C, Rule 803(6) to prove the existence and correctness of the account. *Santora, McKay & Ranieri v. Franklin*, 79 N.C. App. 585, 339 S.E.2d 799 (1986); *VanLandingham v. Northeastern Motors, Inc.*, 63 N.C. App. 778, 306 S.E.2d 169, cert. denied, 309 N.C. 826, 310 S.E.2d 359 (1983); *Park Truck Service v. Hill*, 53 N.C. App. 443, 281 S.E.2d 61 (1981).