

N.C.P.I.-Civil. 810.48B

WRONGFUL DEATH DAMAGES - FUNERAL EXPENSES-STIPULATION AS TO
AMOUNT PAID OR NECESSARY TO BE PAID, BUT NOT NEXUS TO
CONDUCT.

GENERAL CIVIL VOLUME

JUNE 2013

810.48B WRONGFUL DEATH DAMAGES - FUNERAL EXPENSES -
STIPULATION AS TO AMOUNT PAID OR NECESSARY TO BE PAID, BUT NOT
NEXUS TO CONDUCT.

*(Use for claims arising on or after 1 October 2011¹
when there is a stipulation as to the reasonableness of
the amount of funeral expenses but not the causal
nexus of the expenses to the conduct at issue. For
claims arising before 1 October 2011, use N.C.P.I.-Civil
810.44.)*

Damages for *(name deceased)*'s death also include all funeral (and
burial)² expenses reasonably paid or incurred by *(name deceased)*'s
estate.

To be reasonably incurred, funeral (and burial) expenses must have
been: (1) incurred as a [proximate result of the defendant's negligence]
[result of the defendant's wrongful conduct] and (2) reasonable in
amount.

It is [admitted] [stipulated] that the amount of the funeral (and
burial) expenses paid (and the amount necessary to satisfy the funeral
(and burial) expenses that have not yet been paid) is \$_____. I charge
you that when the amount actually paid for funeral (and burial) expenses
(and the amount necessary to satisfy funeral (and burial) expenses that
have not been paid) [is] [are] shown or agreed, the law presumes that
[this amount is] [these amounts are] reasonable. Therefore, you will
accept as conclusive and binding on you that the amount of \$_____ is
reasonable.

Additionally, the plaintiff must prove by the greater weight of the
evidence that the funeral (and burial) expenses shown on the bills were
incurred by *(name deceased)*'s estate as a [proximate result of the
defendant's negligence] [result of the defendant's wrongful conduct]. [I

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already have instructed you on the definition of proximate cause, and that definition applies equally here.]³

1. See 2011 N.C. Sess. Laws 317 § 1.1 (modifying 2011 N.C. Sess. Laws 283 § 4.2).

2. There is no right of recovery for burial expenses separate and apart from the right to recover for wrongful death. Burial expenses are to be recovered out of the amount to be recovered in the action. *Davenport v. Patrick*, 227 N.C. 686, 691, 44 S.E.2d 203, 206-07 (1947).

3. Do not give this sentence in intentional tort cases.