

850.55 DEEDS - ACTION TO SET ASIDE - LACK OF LEGALLY ADEQUATE  
ACCEPTANCE.

The (*state number*) issue reads:

"Did (*name grantee*) fail to accept (*identify deed*) in a legally adequate manner?"

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 (*name grantee*) failed to accept (*identify deed*) in a legally adequate manner.<sup>1</sup>

A legally adequate acceptance does not occur made if

[(*name grantee*) rejects, refuses or renounces the deed]<sup>2</sup>

[the deed recites a condition or requirement to which (*name grantee*) does not assent]<sup>3</sup>

Finally, as to the (*state number*) issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence that (*name grantee*) failed to accept (*identify deed*) in a legally adequate manner, 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.

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1. A prerequisite to a valid conveyance is acceptance of the deed by the grantee or someone on his behalf. *Ballard v. Ballard*, 230 N.C. 629, 55 S.E.2d 316 (1949).

2. *Buchanan v. Clark*, 164 N.C. 56, 80 S.E. 424 (1913); *Baxter v. Baxter*, 44 N.C.

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341 (1853).

3. *Beaver v. Ledbetter*, 269 N.C. 142, 152 S.E.2d 165 (1967); *Messer v. Laurel Hill Assoc.*, 93 N.C. App. 439, 378 S.E.2d 220 (1989).