

N.C.P.I.—Crim 214.72
BUYING TIMBER DIRECTLY FROM THE OWNER AND FAILING TO MAKE
PAYMENT IN FULL.
GENERAL CRIMINAL VOLUME
SEPTEMBER 2024
N.C. Gen. Stat. §§ 14-135(a)(2)

214.72 BUYING TIMBER DIRECTLY FROM THE OWNER AND FAILING TO
MAKE PAYMENT IN FULL.

The defendant has been charged with buying timber directly from the owner and failing to make payment in full.¹

For you to find the defendant guilty of this offense, the State must prove two things beyond a reasonable doubt:

First, that the defendant bought timber directly from the owner of the timber.

And Second, that the defendant failed to make payment in full to the owner [by the date specified in the written timber sales agreement] [within 60 days from the date that the buyer removes the timber from the property].

(Evidence that the defendant failed to make payment in full within 10 days after the mailing or personal delivery of the written notification of the owner's demand for payment shall constitute prima facie evidence of intent. You may, but are not compelled to, find the defendant intentionally failed to make payment in full to the owner.)

If you find from the evidence beyond a reasonable doubt that on or about the alleged date, the defendant bought timber directly from the owner of the timber and failed to make payment in full to the owner by [the date specified in the written timber sales agreement] [60 days from the date that the buyer removes the timber from the property] (nothing else appearing), it would be your duty to return a verdict of guilty. If you do not so find or if you have a reasonable doubt as to one or more of these things, it would be your duty to return a verdict of not guilty.²

1. N.C. Gen. Stat. § 14-135(b)(2) provides that "[a] person is not guilty of an offense under subdivision (2) of subsection (a) of this section if either of the following conditions is

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met: a. The person remitted payment in full within the time period set in subdivision (2) of subsection (a) of this section to a person he or she believed in good faith to be the rightful owner of the timber. b. The person remitted payment in full to the owner of the timber within the 10-day period set forth in subsection (c) of this section."

2. Use the bracketed phrase if applicable.