

ACTION ON VERIFIED ITEMIZED ACCOUNT. G.S. § 8-45.

(Note Well: Where the plaintiff has instituted an action on account for goods sold and delivered, for rents, for services rendered, for labor performed or upon any oral contract for money loaned and tenders into evidence a competently verified, itemized statement of such account, the court must receive such statement. A verified, itemized statement of account constitutes prima facie evidence of its correctness.)

This issue reads:

"What amount, if any, does the defendant owe the plaintiff 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, the amount the defendant owes the plaintiff on account.

A verified, itemized statement of account has been received into evidence as plaintiff's Exhibit (*state number*). Based on this evidence, you may find, although you are not compelled to do so, that the plaintiff's statement of account is correct.¹

Finally, 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 the plaintiff some amount on account, then it would be your duty to answer this issue in favor of the plaintiff by writing that amount in the blank space provided.

If, on the other hand, you fail to so find, then it would be your duty to answer this issue in favor of the defendant by writing "None" in the blank space provided.

¹See G.S. § 8-45 and Brandis, North Carolina Evidence (3d Ed.), § 157.

