

ACTION FOR SERVICES RENDERED A DECEDENT--PRESUMPTION THAT COMPENSATION IS INTENDED.

Proof that services of value were rendered by (*name plaintiff*) and were voluntarily received by (*name decedent*), raises a presumption or will support an inference that compensation was intended by the parties, but such presumption or inference is rebuttable. That is, such proof is evidence from which you may find but are not compelled to find that compensation was intended. It is always a question for the jury to find whether or not there was a promise to pay therefor, and you should judge from the facts and circumstances under which the services were rendered whether it was in the contemplation of the parties that the services were to be free or paid for.¹

¹Twiford v. Waterfield, 240 N.C. 582 (1954).

