

N.C.P.I.—Civil—813.41

TRADE REGULATION—VIOLATION—FALSE LIEN OR ENCUMBRANCE AGAINST
A PUBLIC OFFICER OR PUBLIC EMPLOYEE

GENERAL CIVIL VOLUME

JUNE 2013

N.C. Gen. Stat. § 14-118.6; N.C. Gen. Stat. § 75-1.1

813.41 TRADE REGULATION—VIOLATION—FALSE LIEN OR ENCUMBRANCE
AGAINST A PUBLIC OFFICER OR PUBLIC EMPLOYEE

The (*state number*) issue reads:

“Did the defendant unlawfully present for filing a false lien or encumbrance against the [real] [personal] property of a [public officer] [public employee]?”

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, three things:¹

First, that the defendant presented for filing in a [public record] [private record generally available to the public] a lien or encumbrance against the [real] [personal] property of a [public officer] [public employee].² A (*identify the plaintiff's position*) is a [public officer][public employee].

Second, that the defendant presented the lien or encumbrance on account of the performance of the [public officer's] [public employee's] official duties.³

And Third, that the defendant presented the lien or encumbrance knowing or having reason to know that the lien or encumbrance was false or contained a materially false, fictitious or fraudulent statement or representation.⁴

1 N.C. Gen. Stat. §§ 14-118.6(a) & (d) (2012).

2 N.C. Gen. Stat. § 14-118.6(a).

3 *Id.*

4 *Id.*

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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 presented for filing a false lien or encumbrance, knowing or having reason to know that it was false, against the [real] [personal] property of a [public officer] [public employee], on account of the [public officer's] [public employee's] official duties, 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.