

DIVORCE--FROM BED AND BOARD--ISSUE OF ADULTERY.¹

The (*state number*) issue reads:

"Did the defendant, while married to the plaintiff, commit adultery?"

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 the defendant, while married to the plaintiff, had voluntary sexual intercourse with another person.

Finally, as to this (*state number*) issue on which the plaintiff has the burden of proof, if you find by the greater weight of the evidence that the defendant, while married to the plaintiff, committed adultery, 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, it would be your duty to answer this issue "No" in favor of the defendant.

¹N.C.G.S. §50-7(6).

