

N.C.P.I.—Crim—220.35

FALSE STATEMENT OF SUMS DUE FOR [LABOR] [MATERIALS] FURNISHED AT SITE OF IMPROVEMENTS TO REAL PROPERTY. MISDEMEANOR.

CRIMINAL VOLUME

JUNE 2013

N.C. Gen. Stat. § 44A-24.

220.35 FALSE STATEMENT OF SUMS DUE FOR [LABOR] [MATERIALS] FURNISHED AT SITE OF IMPROVEMENTS TO REAL PROPERTY. MISDEMEANOR.

The defendant has been charged with making a false statement of sums due for [labor] [materials] furnished at site of improvements to real property.¹

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

First, that the defendant was a [contractor] [person] receiving payment from [an obligor for an improvement to real property] [a purchaser for a conveyance of real property with improvements];

Second, that the defendant knowingly furnished to a(n) [[obligor] [purchaser] [lender] who obtained a security interest in said [real property]] [title insurance company insuring title to such real property] a false written statement of [the sums due] [sums claimed to be due] for [labor] [material] furnished at the site of the improvements to such real property;

And Third, that there was a [subsequent] [simultaneous] receipt of payment from an [obligor] [purchaser] by [the person signing the document] [a person directing another to sign the document] [any person or entity for whom the document was signed]].²

1 G.S. 44A-24 states, "In addition to the criminal sanctions created by this section, conduct constituting the offense herein stated and causing actual harm to any person by any licensed contractor or qualifying party, as the term is used in Chapter 87 of the General Statutes, shall constitute deceit and misconduct subject to disciplinary action under Chapter 87 of the General Statutes, including revocation, suspension, or restriction of a license or the ability to act as a qualifying party for a license."

2 G.S. 44A-24 states, "In any criminal prosecution hereunder it shall not be

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If you find from the evidence beyond a reasonable doubt that on or about the alleged date the defendant was a [contractor] [other person] receiving payment from [an obligor for an improvement to real property] [a purchaser for a conveyance of real property with improvements], that the defendant knowingly furnished to a(n) [[obligor] [purchaser] [lender] who obtained a security interest in said [real property]] [title insurance company insuring title to such real property] a false written statement of [the sums due] [sums claimed to be due] for [labor] [material] furnished at the site of the improvements to such real property, and that there was a [subsequent] [simultaneous] receipt of payment from an [obligor] [purchaser] by [the person signing the document] [a person directing another to sign the document] [a person or entity for whom the document was signed]], it would be your duty to return a verdict of guilty. If you do not so find or have a reasonable doubt as to one or more of these things, then it would be your duty to return a verdict of not guilty.

necessary for the State to prove that the obligor, purchaser, lender or title insurance company relied upon the false statement or that any person was injured thereby.”