

N.C.P.I.—CIVIL—810.48B
 WRONGFUL DEATH DAMAGES—FUNERAL EXPENSES--STIPULATION AS TO
 AMOUNT PAID OR NECESSARY TO BE PAID, BUT NOT NEXUS TO CONDUCT
 GENERAL CIVIL VOLUME
 JUNE 2013

 810.48B WRONGFUL DEATH DAMAGES—FUNERAL EXPENSES—STIPULATION
 AS TO AMOUNT PAID OR NECESSARY TO BE PAID, BUT NOT NEXUS TO
 CONDUCT

(Use for claims arising on or after 1 October 2011¹ when there is a stipulation as to the reasonableness of the amount of funeral expenses but not the causal nexus of the expenses to the conduct at issue. For claims arising before 1 October 2011, use N.C.P.I.—Civil 810.44.)

Damages for *(name deceased)*'s death also include all funeral (and burial)² expenses reasonably paid or incurred by *(name deceased)*'s estate.

To be reasonably incurred, funeral (and burial) expenses must have been: (1) incurred as a [proximate result of the defendant's negligence] [result of the defendant's wrongful conduct] and (2) reasonable in amount.

It is [admitted] [stipulated] that the amount of the funeral (and burial) expenses paid (and the amount necessary to satisfy the funeral (and burial) expenses that have not yet been paid) is \$_____. I charge you that when the amount actually paid for funeral (and burial) expenses (and the amount necessary to satisfy funeral (and burial) expenses that have not been paid) [is] [are] shown or agreed, the law presumes that [this amount is] [these amounts are] reasonable. Therefore, you will accept as conclusive and binding on you that the amount of \$_____ is reasonable.

Additionally, the plaintiff must prove by the greater weight of the evidence that the funeral (and burial) expenses shown on the bills were incurred by *(name deceased)*'s estate as a [proximate result of the defendant's negligence] [result of the defendant's wrongful conduct]. [I

¹ See 2011 N.C. Sess. Laws 317 § 1.1 (modifying 2011 N.C. Sess. Laws 283 § 4.2).

² There is no right of recovery for burial expenses separate and apart from the right to recover for wrongful death. Burial expenses are to be recovered out of the amount to be recovered in the action. *Davenport v. Patrick*, 227 N.C. 686, 691, 44 S.E.2d 203, 206-07 (1947).

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already have instructed you on the definition of proximate cause, and that
definition applies equally here.]³

³ Do not give this sentence in intentional tort cases.