

TRADE REGULATION--VIOLATION--ISSUE OF REPRESENTATION OF  
BEING SPECIALLY SELECTED. N.C.G.S. § 75-34.

The (*state number*) issue reads:

"Did the defendant unlawfully represent to the plaintiff that he had been specially selected?"

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:

First, that the defendant represented to the plaintiff that he had been specially selected. A "representation" is any statement that would lead a reasonable person to believe he has been specially selected (including, but not limited to, such phrases as "carefully selected" and "you have been chosen").

Second, that the defendant made this representation in connection with the [sale] [lease] [solicitation for sale] [solicitation for lease] of a [good] [property] [service].

Third, that the selection process used [was not designed to reach a particular type or particular types of person, firm or corporation]

[did not use a source other than [telephone directories] [city directories] [tax listings] [voter registration records] [purchased mailing lists] [(other similar common source of names)]

[selected more than ten percent of those considered].

Finally, as to this issue on which the plaintiff has the burden of proof, if you find by the greater weight of

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the evidence that the defendant unlawfully represented to the plaintiff that he had been specially selected, 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.