

BAILMENTS--ISSUE OF BAILMENT.

The (*state number*) issue reads:

"Did the plaintiff and the defendant enter into a bailment with respect to the plaintiff's (*describe property*)?"

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, four things:¹

First, that the plaintiff delivered *his* (*describe property*) to the defendant for (*describe purpose; e.g., repairs*).

Second, that the defendant voluntarily accepted the (*describe property*).

Third, that the defendant had exclusive possession and control of the (*describe property*).

Fourth, that the defendant was obligated to [account for] [return] the (*describe property*) when [the (*describe purpose; e.g., repairs*) were accomplished] [the plaintiff reclaimed it].

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 plaintiff and the defendant entered into a bailment with respect to the plaintiff's (*describe property*), then it would be your duty to answer this issue "Yes" in favor of the plaintiff.

¹*U.S. Helicopters, Inc. v. Black*, 318 N.C. 268, 272, 347 S.E.2d 431, 433 (1986); *Freeman v. Meyers Automobile Service Co., Inc.*, 226 N.C. 736, 737-38, 40 S.E.2d 365, 366 (1946).

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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.