Page 1 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

TABLE OF CONTENTS

PREFACE

INTRODUCTION

GUIDE TO THE USE OF THIS BOOK

SIGNIFICANT NEW DEVELOPMENTS

NORTH CAROLINA PATTERN JURY INSTRUCTIONS FOR CIVIL CASES: *Dates the instructions were adopted are found in parentheses after the title of the instruction.

PART I. GENERAL

	Chapter 1. Preliminary Instructions.
100.10	Opening Statement. (12/2004)
100.15	Cameras and Microphones in Courtroom. (5/2004)
100.20	Recesses. (6/2010)
100.21	Recesses. (6/2010)
100.40	Deposition Testimony. (5/2004)
100.44	Interrogatories. (12/2004)
100.70	Taking of Notes by Jurors. (5/2004)
101.00	Admonition to the Trial Judge on Stating the Evidence and Relating the Law to the
101.00	Evidence. (10/1985)
101.05	Function of the Jury. (3/1994)
101.10	Burden of Proof and Greater Weight of the Evidence. (3/1994)
101.11	Clear, Strong, and Convincing Evidence. (11/2004)
101.14	Judicial Notice. (10/1983)
101.15	Credibility of Witness. (3/1994)
101.20	Weight of the Evidence. (3/1994)
101.25	Testimony of Expert Witness. (2/1994)
101.30	Testimony of Interested Witness. (3/1994)
101.32	Evidence—Limitation as to Parties. (10/1983)
101.33	Evidence—Limitation as to Purpose. (3/2017)
101.35	Impeachment of Witness by Prior Statement. (5/1992)
101.36	Impeachment of Witness or Party by Proof of Crime. (4/1986)
101.37	Evidence Relating to the Character Trait of a Witness (Including Party) for
	Truthfulness. (4/1986)
101.38	Evidence—Invocation by Witness of Fifth Amendment Privilege against
	Self-Incrimination. (5/2009)
101.39	Evidence—Spoliation by a Party. (6/2010)
101.40	Photograph, Videotape, Motion Pictures, X-Ray, Other Pictorial Representations;
	Map, Models, Charts—Illustrative and Substantive Evidence. (10/1985)
101.41	Stipulations. (1/1988)
101.42	Requests for Admissions. (1/1988)
101.43	Deposition Evidence. (4/1988)
101.45	Circumstantial Evidence. (10/1985)
101.46	Definition of [Intent] [Intentionally]. (12/2016)
101.50	Duty to Recall Evidence. (3/1994)
101.60	Issues. (3/1994)

Page 2 of 23 N.C.P.ICivil Table of Contents General Civil Volume Replacement June 2020	
101.62 101.65	Presumptions. (4/1984) Peremptory Instruction. (8/1982)
	Chapter 2. General Negligence Instructions.
102.10	Negligence Issue—Burden of Proof. (5/1994)
102.10A	Negligence Issue—Stipulation of Negligence. (5/2009)
102.11	Negligence Issue—Definition of Common Law Negligence. (6/2018)
102.12	Negligence Issue—Definition of Negligence in and of Itself (Negligence <i>Per Se</i>). (8/2015)
102.13	Negligence of Minor Between Seven and Fourteen Years of Age. (6/2018)
102.14	Negligence Issue—No Duty to Anticipate Negligence of Others. (5/1994)
102.15 102.16	Negligence Issue—Doctrine of Sudden Emergency. (1/2019) Negligence Issue—Sudden Emergency Exception to Negligence <i>Per Se</i> . (5/1994)
102.10	Proximate Cause—Definition; Multiple Causes. (5/2009))
102.19	Proximate Cause—Peculiar Susceptibility. (3/2017)
102.26	Proximate Cause—Act of God. (5/1994)
102.27	Proximate Cause—Concurring Acts of Negligence. (3/2005)
102.28	Proximate Cause—Insulating Acts of Negligence. (6/2010)
102.30	Proximate Cause—Defense of Sudden Incapacitation. (2/2000)
102.32	Negligence Issue—Breach of Parent's Duty to Supervise Minor Children. (5/1992)
102.35	Contentions of Negligence. (3/1994)
102.50	Final Mandate—Negligence Issue. (3/1994)
102.60	Concurring Negligence. (3/2005)
102.65	Insulating/Intervening Negligence. (6/2020)
102.84	Negligence—Infliction of Severe Emotional Distress. (2/2020)
102.85	Willful or Wanton Conduct Issue ("Gross Negligence"). (5/1997)
102.86	Willful or Wanton Conduct Issue ("Gross Negligence")—Used to Defeat Contributory
102.87	Negligence. (12/2003) Wilful and Malicious Conduct Issue—Used to Defeat Parent-Child Immunity. (3/2016)
102.90	Negligence Issue—Joint Conduct—Multiple Tortfeasors. (3/1994)
102.95	Architect—Project Expediter—Negligence in Scheduling. (5/2005)
102.73	Chapter 3. General Agency Instructions.
103.10	Agency Issue—Burden of Proof—When Principal Is Liable. (1/2019)
103.15	Independent Contractor. (5/1992)
103.30	Agency Issue—Civil Conspiracy (One Defendant). (4/2019)
103.31	Agency Issue—Civil Conspiracy (Multiple Defendants). (4/2019)
103.40	Disregard of Corporate Entity of Affiliated Company—Instrumentality Rule ("Piercing the Corporate Veil"). (6/2020)
103.50	Agency—Departure from Employment. (10/1985)
103.55	Agency—Willful and Intentional Injury Inflicted by an Agent. (10/1985)
103.70	Final Mandate—Agency Issue. (10/1985)
	Chapter 3a. Contributory Negligence Instructions.
104.10	Contributory Negligence Issue—Burden of Proof—Definition. (6/2018)
104.25	Contributory Negligence of Minor Between Seven and Fourteen Years of Age.
	(6/2018)
104.35	Contentions of Contributory Negligence. (3/1994)
104.50	Final Mandate—Contributory Negligence Issue. (3/1994)
108.75	Chapter 4. Third Party Defendants. Negligence of Third Party Tort-Feasor—Contribution. (10/1985)

Page 3 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

502.00

Chapter 5. Summary Instructions. 150.10 Jury Should Consider All Contentions. (3/1994) Jury Should Render Verdict Based on Fact, Not Consequences. (3/1994) 150.12 150.20 The Court Has No Opinion. (3/1994) 150.30 Verdict Must Be Unanimous. (3/1994) 150.40 Selection of Foreperson. (3/1994) Concluding Instructions—When To Begin Deliberations, Charge Conference. 150.45 (3/1994)150.50 Failure of Jury to Reach a Verdict. (10/1980) 150.60 Discharging the Jury. (5/1988) **PART II. CONTRACTS Chapter 1. General Contract Instructions.** 501.00 Introduction to Contract Series. (5/2003) **Chapter 2. Issue of Formation of Contract.** 501.01 Contracts—Issue of Formation—Common Law. (6/2018) 501.01A Contracts—Issue of Formation—UCC. (6/2018) Contracts—Issue of Formation—Peremptory Instruction. (5/2003) 501.02 Contracts—Issue of Formation—Parties Stipulate the Contract. (5/2003) 501.03 501.05 Contracts—Issue of Formation—Defense of Lack of Mental Capacity. (6/2018) 501.10 Contracts—Issue of Formation—Defense of Lack of Mental Capacity—Rebuttal by Proof of Fair Dealing and Lack of Notice. (5/2003) 501.15 Contracts—Issue of Formation—Defense of Lack of Mental Capacity—Rebuttal by Proof of Necessities. (5/2003) 501.20 Contracts—Issue of Formation—Defense of Lack of Mental Capacity—Rebuttal by Proof of Ratification (Incompetent Regains Mental Capacity). (5/2003) 501.25 Contracts—Issue of Formation—Defense of Lack of Mental Capacity—Rebuttal by Proof of Ratification (by Agent, Personal Representative or Successor). (5/2003) 501.30 Contracts—Issue of Formation—Defense of Mutual Mistake of Fact. (6/2013) 501.35 Contracts—Issue of Formation—Defense of Undue Influence. (5/2003) 501.40 Contracts—Issue of Formation—Defense of Duress, (5/2003) 501.45 Contracts—Issue of Formation—Defense of Fraud. (5/2004) Contracts—Issue of Formation—Defense of Grossly Inadequate Consideration 501.50 ("Intrinsic Fraud"). (5/2003) 501.52 Contracts—Issue of Formation—Defense of Fraud in the Factum. (5/2003) Contracts—Issue of Formation—Defense of Constructive Fraud. (6/2018) 501.55 501.60 Contracts—Issue of Formation—Defense of Constructive Fraud—Rebuttal by Proof of Openness, Fairness, and Honesty. (5/2003) Contracts—Issue of Formation—Defense of Infancy. (5/2003) 501.65 Contracts—Issue of Formation—Defense of Infancy—Rebuttal by Proof of 501.67 Emancipation. (5/2003) 501.70 Contracts—Issue of Formation—Defense of Infancy—Rebuttal by Proof of Ratification After Minor Comes of Age. (5/2003) Contracts—Issue of Formation—Defense of Infancy—Rebuttal by Proof of 501.75 Ratification by Guardian, Personal Representative or Agent. (5/2003) 501.80 Contracts—Issue of Formation—Defense of Infancy—Rebuttal by Proof of Necessities. (5/2003) Chapter 3. Issue of Breach.

Contracts—Issue of Breach By Non-Performance. (5/2003)

Page 4 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

•	
502.05	Contracts—Issue of Breach By Repudiation. (6/2018)
502.10	Contracts—Issue of Breach By Prevention. (5/2003)
502.15	Contracts—Issue of Breach—Defense of Waiver. (5/2004)
502.20	Contracts—Issue of Breach—Defense of Prevention by Plaintiff. (5/2003)
502.25	Contracts—Issue of Breach—Defense of Frustration of Purpose. (6/2014)
502.30	Contracts—Issue of Breach—Defense of Impossibility (Destruction of Subject
	Matter of Contract). (6/2014)
502.35	Contracts—Issue of Breach—Defense of Impossibility (Death, Disability, or Illness
	of Personal Services Provider). (6/2014)
502.40	Contracts—Issue of Breach—Defense of Illegality or Unenforceability. (2/2020)
502.45	Contracts—Issue of Breach—Defense of Unconscionability. (5/2003)
502.47	Contracts—Issue of Breach—Direct Damages—Defense of Oral Modification of
302117	Written Contract. (5/2003)
502.48	Contracts—Issue of Breach—Defense of Modification. (5/2003)
502.50	Contracts—Issue of Breach—Defense of Rescission. (5/2003)
502.55	Contracts—Issue of Breach—Defense of Novation. (5/2003)
502.60	Contracts—Issue of Breach—Defense of Accord and Satisfaction. (5/2003)
	Chamber A. Tague of Common Law Bornady
E02.00	Chapter 4. Issue of Common Law Remedy.
503.00	Contracts—Issue of Common Law Remedy—Rescission. (5/2003)
503.01	Contracts—Issue of Common Law Remedy—Rescission—Measure of Restitution.
	(6/2014)
503.03	Contracts—Issue of Common Law Remedy—Specific Performance. (5/2003)
503.06	Contracts—Issue of Common Law Remedy—Statement of Damages Issue.
	(5/2003)
503.09	Contracts—Issue of Common Law Remedy—Damages in General. (5/2003)
503.12	Contracts—Issue of Common Law Remedy—Direct Damages—Buyer's Measure of
	Recovery for a Seller's Breach of Contract to Convey Real Property. (5/2003)
503.15	Contracts—Issue of Common Law Remedy—Direct Damages—Seller's Measure of
	Recovery for a Buyer's Breach of Executory Contract to Purchase Real Property.
	(5/2003)
503.18	Contracts—Issue of Common Law Remedy—Direct Damages—Broker's Measure of
303.10	
E02.21	Recovery for a Seller's Breach of an Exclusive Listing Contract. (5/2003)
503.21	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of
	Recovery for a Contractor's Partial Breach of a Construction Contract. (5/2003)
503.24	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of
	Recovery for a Contractor's Partial Breach of a Construction Contract Where
	Correcting the Defect Would Cause Economic Waste. (5/2003)
503.27	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of
	Recovery for a Partial Breach of a Repair or Services Contract. (5/2003)
503.30	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of
	Recovery for a Contractor's Failure to Perform any Work Under a Construction,
	Repair, or Services Contract. (5/2003)
503.33	Contracts—Issue of Common Law Remedy—Direct Damages—Contractor's Measure
303.33	of Recovery for an Owner's Breach of a Construction, Repair, or Services Contract
E02.26	Where the Contractor Has Fully Performed. (5/2003)
503.36	Contracts—Issue of Common Law Remedy—Direct Damages—Contractor's Measure
	of Recovery for an Owner's Breach of a Construction, Repair, or Services Contract
	Where the Contractor Has Not Begun Performance. (5/2003)
503.39	Contracts—Issue of Common Law Remedy—Direct Damages—Contractor's Measure
	of Recovery for an Owner's Breach of a Construction, Repair, or Services Contract
	After the Contractor Delivers Partial Performance. (5/2003)
	• • • •

-	
503.42	Contracts—Issue of Common Law Remedy—Direct Damages—Contractor's Measure of Recovery for an Owner's Breach of a Construction, Repair, or Services Contract Where the Contractor Elects to Recover Preparation and Performance Expenditures. (5/2003)
503.45	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of Recovery for Loss of Rent due to a Lessee's, Occupier's, or Possessor's Breach of
503.48	Lease of Real Estate or Personal Property. (5/2003) Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of Recovery for Loss of Use Due to a Lessee's, Occupier's, or Possessor's Breach of Lease of Real Estate or Personal Property. (5/2003)
503.51	Contracts—Issue of Common Law Remedy—Direct Damages—Owner's Measure of Recovery for Real Estate or Personal Property Idled by Breach of a Contract Where Proof of Lost Profits or Rental Value Is Speculative. (5/2003)
503.54	Contracts—Issue of Common Law Remedy—Direct Damages—Employer's Measure of Recovery for Employee's Wrongful Termination of an Employment Contract. (5/2003)
503.70	Contracts—Issue of Common Law Remedy—Incidental Damages. (5/2003)
503.73	Contracts—Issue of Common Law Remedy—Consequential Damages. (5/2003)
503.75	Breach Of Contract—Special Damages—Loss Of Profits (Formerly 517.20) (6/2013)
503.76	Contracts—Issue of Common Law Remedy—Future Worth of Damages in Present Value. (5/2003)
503.79	Contracts—Issue of Common Law Remedy—Damages Mandate. (5/2003)
503.90	Contracts—Issue of Common Law Remedy—Defense (Offset) for Failure to Mitigate. (5/2003)
503.91	Contracts—Issue of Common Law Remedy—Defense (Offset) for Failure to Mitigate—Amount of Credit. (5/2003)
503.94	Contracts—Issue of Common Law Remedy—Validity of Liquidated Damages Provision. (5/2003)
503.97	Contracts—Issue of Common Law Remedy—Amount of Liquidated Damages. (5/2003)
	Chapter 5. Issue of UCC Remedy.
504.00	Contracts—Issue of UCC Remedy—Buyer's Damages Upon Seller's Repudiation. (5/2003)
504.03	Contracts—Issue of UCC Remedy—Buyer's Damages Upon Seller's Failure to Make Delivery or Tender. (5/2003)
504.06	Contracts—Issue of UCC Remedy—Buyer's Remedy of Rightful Rejection. (5/2003)
504.09	Contracts—Issue of UCC Remedy—Buyer's Damages Upon Rightful Rejection. (5/2003)
504.12	Contracts—Issue of UCC Remedy—Buyer's Remedy of Justifiable Revocation of Acceptance. (5/2003)
504.15	Contracts—Issue of UCC Remedy—Buyer's Damages Upon Justifiable Revocation of
	, , ,
504.18	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and
504.18 504.21	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and Retention of Goods. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Remedy of Specific Performance.
	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and Retention of Goods. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Remedy of Specific Performance. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Stopping
504.21	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and Retention of Goods. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Remedy of Specific Performance. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Stopping Delivery of Goods. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Reclaiming
504.21 504.24 504.27	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and Retention of Goods. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Remedy of Specific Performance. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Stopping Delivery of Goods. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Reclaiming Goods Already Delivered. (5/2003)
504.21 504.24	Acceptance. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Damages After Acceptance and Retention of Goods. (5/2003) Contracts—Issue of UCC Remedy—Buyer's Remedy of Specific Performance. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Stopping Delivery of Goods. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy (or Defense) of Reclaiming

Page 6 of 23
N.C.P.ICivil Table of Contents
General Civil Volume
Replacement June 2020

504.36 504.39 504.42 504.45 504.48 504.51	Contracts—Issue of UCC Remedy—Seller's Contract—Market Damages. (5/2003) Contracts—Issue of UCC Remedy—Seller's Lost Profit Damages. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy of Action for Price (Specific Performance) for Delivered Goods. (5/2003) Contracts—Issue of UCC Remedy—Seller's Remedy of Action for Price (Specific Performance) for Undelivered Goods. (5/2003) Contracts—Issue of UCC Remedy—Defense (Offset) of Failure to Mitigate. (5/2003) Contracts—Issue of UCC Remedy—Validity of Liquidated Damages Provision. (5/2003) Contracts—Issue of UCC Remedy—Amount of Liquidated Damages. (5/2003)
505.20 505.25	Chapter 6. Minor's Claims Where Contract Disavowed. Contracts—Issue of Remedy—Minor's Claim for Restitution Where Contract Is Disavowed. (5/2003) Contracts—Issue of Remedy—Minor's Claim for Restitution Where Contract Is Disavowed—Measure of Recovery. (5/2003)
516.05 516.15 516.30 517.20	Chapter 7. Agency. Agency in Contract—Actual and Apparent Authority of General Agent. (1/2019) Agency—Ratification. (1/2019) Agency—Issue of Undisclosed Principal—Liability of Agent. (4/2005) Breach of Contract—Special Damages—Loss of Profits. (6/2013)
	Chapter 8. Deleted. (5/2003)
635.20 635.25 635.30 635.35 635.40	Chapter 9. Action on Account. Action on Unverified Account—Issue of Liability. (5/1991) Action on Unverified Account—Issue of Amount Owed. (5/1991) Action on Verified Itemized Account. (5/1991) Action on Account Stated. (6/2014) Action on Account—Defense of Payment. (5/1991)
640.00 640.00A 640.01 640.02 640.03 640.10 640.12 640.14 640.20 640.22	Chapter 10. Employment Relationship. Introduction to "Employment Relationship" Series. (6/2014) Introduction to "Employment Relationship" Series (Delete Sheet). (6/2010) Employment Relationship—Status of Person as Employee. (6/2018) Employment Relationship—Constructive Termination. (6/2010) Employment Relationship—Termination/Resignation. (6/2010) Employment Relationship—Employment for a Definite Term. (2/1991) Employment Relationship—Breach of Agreement for a Definite Term. (5/1991) Employment Relationship—Employer's Defense of Just Cause. (2/1991) Employment Relationship—Wrongful (Tortious) Termination. (3/2017) Employment Relationship—Employer's Defense to Wrongful (Tortious) Termination.
640.25 640.27 640.28 640.29A 640.29B	(4/1998) Employment Relationship—Blacklisting. (11/1996) Employment Discrimination—Pretext Case. (6/2018) Employment Discrimination—Mixed Motive Case. (5/2004) Employment Relationship—Adverse Employment Action in Violation of the North Carolina Whistleblower Act—Introduction. (6/2018) Employment Relationship—Adverse Employment Action in Violation of the North Carolina Whistleblower Act—Direct Admission Case. (6/2010) Employment Relationship—Adverse Employment Action in Violation of the North

Page 7 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

-	
640.29D	Employment Relationship—Adverse Employment Action in Violation of the North Carolina Whistleblower Act—Mixed Motive Case (Plaintiff). (6/2010)
640.29E	Employment Relationship—Adverse Employment Action in Violation of the North Carolina Whistleblower Act— <i>Mixed Motive Case</i> (Defendant). (5/2009)
640.30	Employment Relationship—Damages. (6/2010)
640.32	Employment Relationship—Mitigation of Damages. (6/2014)
640.40	Employment Relationship—Vicarious Liability of Employer for Co-Worker Torts. (6/2015)
640.42	Employment Relationship—Liability of Employer for Negligence in Hiring, Supervision, or Retention of an Employee. (5/2009)
640.43	Employment Relationship—Liability of Employer for Negligence in Hiring or Selecting an Independent Contractor. (5/2009)
640.44	Employment Relationship—Liability of Employer for Negligence in Retaining an Independent Contractor. (5/2009)
640.46	Employment Relationship—Liability of Employer for Injury to Employee—Exception to Workers' Compensation Exclusion. (2/2017)
640.48	Employment Relationship—Liability of Principal for Negligence of Independent Contractor (Breach of Non-Delegable Duty of Safety)—Inherently Dangerous Activity. (5/2009)
640.60	Employment Relationships—Wage & Hour Act—Wage Payment Claim (2/2017)
640.65	Employment Relationships—Wage & Hour Act—Wage Payment Claim—Damages (6/2014)
640.70	Public Employee—Direct North Carolina Constitutional Claim—Enjoyment of Fruits of Labor. (2/2019)
	Chapter 11. Covenants Not to Compete.
645.20	Covenants Not to Compete—Issue of the Existence of the Covenant. (6/2015)
645.30	Covenants Not to Compete—Issue of Whether Covenant was Breached. (5/1976)
645.50	Covenants not to Compete—Issue of Damages. (5/2006)
	Chapter 12. Actions for Services Rendered a Decedent.
714.18	Products Liability—Military Contractor Defense. (6/2007)
735.00	Action for Services Rendered a Decedent—Issue of Existence of Contract. (11/2/2004)
735.05	Action for Services Rendered a Decedent—Evidence of Promise to Compensate by Will. (12/1977)
735.10	Action for Services Rendered a Decedent—Presumption that Compensation Is Intended. (5/1978)
735.15	Action for Services Rendered a Decedent—Presumption of Gratuity by Family Member. (12/1977)
735.20	Action for Services Rendered a Decedent—Issue of Breach of Contract. (12/1977)
735.25	Action for Services Rendered a Decedent—Issue of Recovery. (12/1977)
735.30	Action for Services Rendered a Decedent—Issue of Recovery—Benefits or Offsets. (10/1977)
735.35	Action for Services Rendered a Decedent—Issue of Recovery—Evidence of Value of Specific Property. (10/1977)
735.40	Action for Services Rendered a Decedent—Issue of Recovery—Statute of Limitations. (5/1978)
	Chapter 13. Quantum Meruit.
736.00	Quantum Meruit—Quasi Contract—Contract Implied at Law. (5/2016)

Page 8 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

736.01 Quantum Meruit—Quasi Contract—Contract Implied at Law: Measure of Recovery. (6/2015)

Chapter 14. Leases.

VOLUME II

Part III. WARRANTIES AND PRODUCTS LIABILITY

	Chapter 1. Warranties in Sales of Goods.
741.00	Warranties in Sales of Goods. (5/1999)
741.05	Warranties in Sales of Goods—Issue of Existence of Express Warranty. (5/1999)
741.10	Warranties in Sales of Goods—Issue of Breach of Express Warranty. (5/1999)
741.15	Warranties in Sales of Goods—Issue of Existence of Implied Warranty of
	Merchantability. (6/2013)
741.16	Warranties in Sales of Goods—Issue of Seller's Defense of Modification of Implied
	Warranty of Merchantability. (5/1999)
741.17	Warranties in Sales of Goods—Issue of Seller's Defense of Exclusion of Implied
	Warranty of Merchantability. (5/1999)
741.18	Warranties in Sales of Goods—Issue of Seller's Defense of Buyer's Actual or
	Constructive Knowledge of Defects—Implied Warranty of Merchantability. (5/1999)
741.20	Warranties in Sales of Goods—Issue of Breach of Implied Warranty of
	Merchantability. (12/2003)
741.25	Warranties in Sales of Goods—Issue of Existence of Implied Warranty of Fitness for
	a Particular Purpose. (5/1999)
741.26	Warranties in Sales of Goods—Issue of Seller's Defense of Modification of Implied
	Warranty of Fitness for a Particular Purpose. (5/1999)
741.27	Warranties in Sales of Goods—Issue of Seller's Defense of Exclusion of Implied
	Warranty of Fitness for a Particular Purpose. (5/1999)
741.28	Warranties in Sales of Goods—Issue of Seller's Defense of Buyer's Actual or
	Constructive Knowledge of Defects—Implied Warranty of Fitness for a Particular
	Purpose. (5/1999)
741.30	Warranties in Sales of Goods—Issue of Breach of Implied Warranty of Fitness for a
	Particular Purpose. (5/1999)
741.31	Warranties in Sales of Goods—Issue of Existence of Implied Warranty Created by
	Course of Dealing or by Usage of Trade. (5/1999)
741.32	Warranties in Sales of Goods—Issue of Seller's Defense of Exclusion of Implied
	Warranty Created by Course of Dealing or by Usage of Trade. (5/1999)
741.33	Warranties in Sales of Goods—Issue of Seller's Defense of Buyer's Actual or
	Constructive Knowledge of Defects—Implied Warranty Created by Course of
	Dealing or by Usage of Trade. (5/1999)
741.34	Warranties in Sales of Goods—Issue of Breach of Implied Warranty Created by
	Course of Dealing or Usage of Trade. (5/1999)
741.35	Warranties in Sales of Goods—Remedies—Rightful Rejection. (5/1999)
741.40	Warranties in Sales of Goods—Rightful Rejection—Damages. (5/1999)
741.45	Warranties in Sales of Goods—Remedies—Justifiable Revocation of Acceptance.
- 44 - 0	(5/1999)
741.50	Warranties in Sales of Goods—Justifiable Revocation of Acceptance—Damages.
744.60	(5/1999)
741.60	Warranties in Sales of Goods—Remedy for Breach of Warranty Where Accepted
	Goods are Retained—Damages. (5/1999)

Page 9 of 23
N.C.P.ICivil Table of Contents
General Civil Volume
Replacement June 2020

Replacemen	it Julie 2020
741.65	Express and Implied Warranties—Third Party Rights of Action (Horizontal) Against Buyer's Seller. (5/1999)
741.66	Implied Warranties—Third Party Rights of Action (Horizontal) Against Manufacturers. (5/2006)
741.67	Implied Warranties—Third Party Rights of Action (Vertical) Against Manufacturers. (5/1999)
741.70	Products Liability—Claim of Inadequate Warning or Instruction. (5/2005)
741.71	Products Liability—Claim Against Manufacurer for Inadequate Design or Formulation (Except Firearms or Ammunition). (5/2005)
741.72	Products Liability—Firearms or Ammunition—Claim Against Manufacturer or Seller for Defective Design. (5/2005)
	Chapter 2. Defenses By Sellers and Manufacturers.
743.05	Products Liability (Other than Express Warranty)—Seller's Defense of Sealed Container or Lack of Opportunity to Inspect Product. (5/1999)
743.06	Products Liability—Exception To Seller's Defense of Sealed Container or Lack of Opportunity to Inspect Product. (5/2004)
743.07	Products Liability—Seller's and Manufacturer's Defense of Product Alteration or Modification. (5/1999)
743.08	Products Liability—Seller's and Manufacturer's Defense of Use Contrary to Instructions or Warnings. (5/1999)
743.09	Products Liability—Seller's and Manufacturer's Defense of Unreasonable Use In Light of Knowledge of Unreasonably Dangerous Condition of Product. (5/1999)
743.10	Products Liability—Seller's and Manufacturer's Defense of Claimant's Failure to Exercise Reasonable Care as Proximate Cause of Damage. (5/1999)
744.05	Products Liability (Other than Express Warranty)—Seller's Defense of Sealed Container or Lack of Opportunity to Inspect Product. (5/1999)
744.06	Products Liability—Exception to Seller's Defense of Sealed Container or Lack of Opportunity to Inspect Product. (5/2004)
744.07	Products Liability—Seller's and Manufacturer's Defense of Product Alteration or Modification. (5/1999)
744.08	Products Liability—Seller's and Manufacturer's Defense of Use Contrary to Instructions or Warnings. (6/2010)
744.09	Products Liability—Seller's and Manufacturer's Defense of Unreasonable Use in Light of Knowledge of Unreasonably Dangerous Condition of Product. (5/1999)
744.10	Products Liability—Seller's and Manufacturer's Defense of Claimant's Failure to Exercise Reasonable Care as Proximate Cause of Damage. (5/1999)
744.12	Products Liability—Seller's and Manufacturer's Defense of Open and Obvious Risk. (5/1999)
744.13	Products Liability—Prescription Drugs—Seller's and Manufacturer's Defense of Delivery of Adequate Warning or Instruction to Prescribers or Dispensers. (5/1999)
744.16	Products Liability—Manufacturer's Defense of Inherent Characteristic. (5/1999)
744.17	Products Liability—Prescription Drugs—Manufacturer's Defense of Unavoidably Unsafe Aspect. (5/1999)
744.18	Products Liability—Statute of Limitations. (6/2010)
745.01	Chapter 3. New Motor Vehicle Warranties ("Lemon Law"). New Motor Vehicles Warranties Act ("Lemon Law")—Manufacturer's Failure to Make Repairs Necessary to Conform New Motor Vehicle to Applicable Express Warranties. (6/2013)
745.03	New Motor Vehicles Warranties Act ("Lemon Law")—Manufacturer Unable to Conform New Motor Vehicle to Express Warranty. (6/2013)

Page 10 of 23
N.C.P.ICivil Table of Contents
General Civil Volume
Replacement June 2020

745.05	New Motor Vehicles Warranties Act ("Lemon Law")—Manufacturer's Affirmative Defense of Abuse, Neglect, Odometer Tampering, or Unauthorized Modifications or Alterations. (6/2013)
745.07	New Motor Vehicles Warranties Act ("Lemon Law")—Damages When Plaintiff is a Purchaser. (6/2015)
745.09	New Motor Vehicles Warranties Act ("Lemon Law")—Damages When Plaintiff is a Lessee. (6/2015)
745.11	New Motor Vehicles Warranties Act ("Lemon Law")—Damages When Plaintiff is a Lessor. (6/2015)
745.13	New Motor Vehicles Warranties Act ("Lemon Law")—Unreasonable Refusal to Comply with Requirements of Act. (5/1999)
	Chapter 4. New Dwelling Warranty.
747.00	Warranties in Sales of Dwellings—Issue of Existence of Implied Warranty of Habitability. (5/1999)
747.10	Warranties in Sales of Dwellings—Issue of Builder's Defense that Buyer Had Notice of Defect. (5/1999)
747.20	Warranties in Sales of Dwellings—Issue of Breach of Implied Warranty of Habitability. (12/2003)
747.30	Warranties in Sales of Dwellings—Remedies—Rescission. (5/1999)
747.35	Warranties in Sales of Dwellings—Remedies—Special Damages Following Rescission. (5/1999)
747.36	Warranties in Sales of Dwellings—Remedies—Credit to Seller for Reasonable Rental Value. (5/1999)
747.40	Warranties in Sales of Dwellings—Remedies—Damages Upon Retention of Dwelling. (5/1999)

Part IV. MISCELLANEOUS TORTS

Chapter 1. Fraud. 800.00 Fraud. (6/2018) Fraud—Statute of Limitations (5/2016) A00.00A 800.05 Constructive Fraud. (6/2018) Constructive Fraud—Rebuttal by Proof of Openness, Fairness and Honesty. 800.06 (6/2018)800.07 Fraud: Damages. (6/2007) Negligent Misrepresentation. (3/2020) 800.10 800.11 Negligent Misrepresentation: Damages. (6/2007) **Chapter 2. Criminal Conversation and Alienation of Affections.** 800.20 Alienation of Affection. (12/2016) 800.22 Alienation of Affections—Damages. (6/2007) 800.23 Alienation of Affection—Statute of Limitations. (6/2010) Alienation of Affection—Statute of Limitations. (6/2010) 800.23A Criminal Conversation. (Adultery). (6/2010) 800.25 Alienation of Affection/Criminal Conversation—Damages. (6/2010) 800.26 Criminal Conversation—Statute of Limitations. (6/2015) 800.27 800.27A Criminal Conversation—Statute of Limitations. (6/2015) Chapter 3. Assault and Battery. 800.50 Assault. (2/1994)

800.51 Battery. (2/2016) 800.52 Assault and Battery—Defense of Self. (5/1994) 800.53 Assault and Battery—Defense of Family Member. (5/1994) 800.54 Assault and Battery—Defense of Family Member. (5/1994) 800.56 Assault and Battery—Defense of Property. (5/1994) 800.56 Assault and Battery—Defense of Property. (5/1994) 800.60 Chapter 3A. Infliction of Emotional Distress. 800.60 Intentional or Reckless Infliction of Severe Emotional Distress. (4/2004) Chapter 3A. Infliction of Emotional Distress. 800.65 Action for Loss of Consortium. 800.65 Action for Loss of Consortium. (12/1999) Chapter 4. Invasion of Privacy. 800.70 Invasion of Privacy—Offensive Intrustion. (6/2013) 800.71 Invasion of Privacy—Offensive Intrustion. (6/2013) 800.72 Invasion of Privacy—Offensive Intrusion—Damages. (6/2010) 800.73 Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use. (5/2001) 800.76 Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use—Damages. (5/2001) 800.76 Malicious Prosecution—False Imprisonment, and Abuse of Process. 801.00 Malicious Prosecution—Criminal Proceeding. (6/2014) 801.01 Malicious Prosecution—Criminal Proceeding. (6/2014) 801.01 Malicious Prosecution—Criminal Proceeding. (1/1995) 801.03 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Damages. (10/1994) 801.10 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.01 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.02 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.07 Excessive Force in Making Arrest—Common Law Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.08 Excessive Force in Making A	General Civil Replacement	
Chapter 3B. Loss of Consortium. Action for Loss of Consortium. (12/1999) Chapter 4. Invasion of Privacy. Invasion of Privacy—Offensive Intrustion. (6/2013) Invasion of Privacy—Offensive Intrustion. (6/2013) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use. (5/2001) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use—Damages. (5/2001) Chapter 5. Malicious Prosecution, False Imprisonment, and Abuse of Process. Malicious Prosecution—Criminal Proceeding. (6/2014) Malicious Prosecution—Criminal Proceeding. (6/2014) Malicious Prosecution—Damages. (10/1994) Malicious Prosecution—Damages. (10/1994) Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice. (5/2001) False Imprisonment. (6/2014) False Imprisonment—Merchant's Defenses. (5/2004) Abuse of Process. (6/2012) Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) Section 1983—Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Arrest—Section 1983 Cla	800.52 800.53 800.54	Assault and Battery—Defense of Self. (5/1994) Assault and Battery—Defense of Family Member. (5/1994) Assault and Battery—Defense of Another from Felonious Assault. (5/2004)
Chapter 4. Invasion of Privacy. Chapter 4. Invasion of Privacy. Invasion of Privacy—Offensive Intrustion. (6/2013) Invasion of Privacy—Offensive Intrusion—Damages. (6/2010) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use. (5/2001) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use—Damages. (5/2001) Chapter 5. Malicious Prosecution, False Imprisonment, and Abuse of Process. Malicious Prosecution—Criminal Proceeding. (6/2014) Malicious Prosecution—Civil Proceeding. (1/1995) Malicious Prosecution—Damages. (10/1994) Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice. (5/2001) Ealse Imprisonment. (6/2014) False Imprisonment—Merchant's Defenses. (5/2004) Abuse of Process. (6/2012) Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) Excessive Force in Making Arrest—Common Law Claim—Issue of Color of State Law (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016)	800.60	
800.70 Invasion of Privacy—Offensive Intrustion. (6/2013) 800.75 Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use. (5/2001) 800.76 Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use—Damages. (5/2001) Chapter 5. Malicious Prosecution, False Imprisonment, and Abuse of Process. 801.00 Malicious Prosecution—Criminal Proceeding. (6/2014) 801.01 Malicious Prosecution—Criminal Proceeding. (1/1995) 801.02 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice. (5/2001) 802.00 False Imprisonment. (6/2014) 803.00 Abuse of Process. (6/2012) 804.01 False Imprisonment—Merchant's Defenses. (5/2004) 804.02 Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.05 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.06 Excessive Force i	800.65	
Abuse of Process. 801.00 Malicious Prosecution—Criminal Proceeding. (6/2014) 801.01 Malicious Prosecution—Civil Proceeding. (1/1995) 801.05 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice. (5/2001) 802.00 False Imprisonment. (6/2014) 802.01 False Imprisonment—Merchant's Defenses. (5/2004) 803.00 Abuse of Process. (6/2012) 804.00 Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) 804.01 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.02 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016)	800.71 800.75	Invasion of Privacy—Offensive Intrustion. (6/2013) Invasion of Privacy—Offensive Intrusion—Damages. (6/2010) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use. (5/2001) Invasion of Privacy—Appropriation of Name or Likeness for Commercial Use—
 801.00 Malicious Prosecution—Criminal Proceeding. (6/2014) 801.01 Malicious Prosecution—Civil Proceeding. (1/1995) 801.05 Malicious Prosecution—Damages. (10/1994) 801.10 Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice. (5/2001) 802.00 False Imprisonment. (6/2014) 802.01 False Imprisonment—Merchant's Defenses. (5/2004) 803.00 Abuse of Process. (6/2012) 804.00 Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) 804.01 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.02 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Damages (3/2016) 		·
False Imprisonment. (6/2014) 802.01 False Imprisonment—Merchant's Defenses. (5/2004) 803.00 Abuse of Process. (6/2012) 804.00 Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) 804.01 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.02 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	801.01 801.05	Malicious Prosecution—Criminal Proceeding. (6/2014) Malicious Prosecution—Civil Proceeding. (1/1995) Malicious Prosecution—Damages. (10/1994) Malicious Prosecution—Punitive Damages—Issue of Existence of Actual Malice.
Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) 804.01 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Battery (3/2016) 804.02 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016)	802.01	False Imprisonment. (6/2014) False Imprisonment—Merchant's Defenses. (5/2004)
Lawfulness of Arrest (3/2016) 804.03 Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016)	804.00	Section 1983—Excessive Force in Making Lawful Arrest. (5/2004) Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of
Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of Reasonableness of Force Used (3/2016) 804.04 Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.02	· · · · · · · · · · · · · · · · · · ·
Excessive Force in Making Arrest—Common Law Claim for Battery—Damages (3/2016) 804.05 Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.03	Excessive Force in Making Arrest—Common Law Claim for Battery—Issue of
Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict Sheet (3/2016) 804.06 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.04	Excessive Force in Making Arrest—Common Law Claim for Battery—Damages
Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law (3/2016) 804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.05	Excessive Force in Making Arrest—Common Law Claim for Battery—Sample Verdict
804.07 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force (3/2016) 804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.06	Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of State Law
804.08 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Lawfulness of Arrest (3/2016) 804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.07	Excessive Force in Making Arrest—Section 1983 Claim—Issue of Use of Force
804.09 Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of Reasonableness of Force Used (3/2016) 804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.08	Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of
804.10 Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) 804.11 Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages (3/2016)	804.09	Excessive Force in Making Arrest—Section 1983 Claim—Issue of Color of
		Excessive Force in Making Arrest—Section 1983 Claim—Damages (3/2016) Excessive Force in Making Lawful Arrest—Section 1983 Claim—Punitive Damages
	804.12	

Page 11 of 23 N.C.P.I.-Civil Table of Contents N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020 804.50 Section 1983—Unreasonable Search of Home. (6/2016) Chapter 6. Nuisances and Trespass. 805.00 Trespass to Real Property. (6/2015) 805.05 Trespass to Real Property—Damages. (5/2001) Trespass to Personal Property. (5/2001) 805.10 Trespass to Personal Property—Damages. (5/2001) 805.15 Littering—Civil Action for Damages for Felonious Littering. (3/2020) 805.20 Littering—Civil Action for Damages for Felonious Littering—Damages Issue. 805.21 (4/2019)805.25 Private Nuisance. (5/2020) 805.30 Private Nuisance—Damages (Real Property). (5/2020) **Chapter 7. Owners and Occupiers of Land.** 805.50 Status of Party—Lawful Visitor or Trespassor. (5/1999) 805.55 Duty of Owner to Lawful Visitor. (5/2020) Duty of Owner to Lawful Visitor—Defense of Contributory Negligence. (6/2018) 805.56 805.60 Duty of Owner to Licensee. (Delete Sheet). (5/1999) Duty of Owner to Licensee—Defense of Contributory Willful or Wanton Conduct 805.61 ("Gross Negligence"). (Delete Sheet). (5/1999) 805.64 Duty of Owner to Trespasser—Intentional Harms (6/2013) Duty of Owner to Trespasser—Use of Reasonable Force Defense (6/2013) 805.64A Duty of Owner to Child Trespasser—Artificial Condition (6/2013) 805.64B 805.64C Duty of Owner to Trespasser: Position of Peril (6/2013) Duty of Owner to Trespasser. (6/2013) 805.65 Duty of Owner to Child Trespasser—Attractive Nuisance. (6/2013) 805.65A 805.66 Duty of Owner to Trespasser—Defense of Contributory Willful or Wanton Conduct ("Gross Negligence"). (11/2004) Duty of City or County to Users of Public Ways. (5/1990) 805.67 City or County Negligence—Defense of Contributory Negligence—Sui Juris Plaintiff. 805.68 (5/1990)Municipal or County Negligence—Defense of Contributory Negligence—Handicapped 805.69 Plaintiff. (5/1990) Duty of Adjoining Landowners—Negligence, (5/1990) 805.70 Duty of Landlord to Residential Tenant—Residential Premises and Common Areas. 805.71 (5/1990)Duty of Landlord to Residential Tenant—Residential Premises and Common Areas— 805.72 Defense of Contributory Negligence. (6/2018) Duty of Landlord to Non-Residential Tenant—Controlled or Common Areas. 805.73 (5/1990)805.74 Duty of Landlord to Non-Residential Tenant—Controlled or Common Areas— Defense of Contributory Negligence, (6/2018) 805.80 Duty of Landlord to Tenant—Vacation Rental. (5/2001) Chapter 8. Conversion. 806.00 Conversion. (5/1996) Conversion—Defense of Abandonment. (5/1996) 806.01 Conversion—Defense of Sale (or Exchange). (5/1996) 806.02 806.03 Conversion—Defense of Gift. (4/2004) 806.05 Conversion—Damages. (5/1996) Chapter 9. Defamation. 806.40 Defamation—Preface. (12/2016)

Page 12 of 23

806.50	Defamation—Libel Actionable <i>Per Se</i> —Private Figure—Not Matter of Public Concern. (6/2013)
806.51	Defamation—Libel Actionable <i>Per Se</i> —Private Figure—Matter of Public Concern. (6/2011)
806.53	Defamation—Libel Actionable <i>Per Se</i> —Public Figure or Official. (5/2008)
806.60	Defamation—Libel Actionable <i>Per Quod</i> —Private Figure—Not Matter of Public
000.00	Concern. (5/2008)
806.61	Defamation—Libel Actionable <i>Per Quod</i> —Private Figure—Matter of Public Concern.
	(6/2011)
806.62	Defamation—Libel Actionable Per Quod—Public Figure or Official. (5/2008)
806.65	Defamation—Slander Actionable <i>Per Se</i> —Private Figure—Not Matter of Public Concern. (5/2008)
806.66	Defamation—Slander Actionable <i>Per Se</i> —Private Figure—Matter of Public Concern.
	(6/2011)
806.67	Defamation—Slander Actionable <i>Per Se</i> —Public Figure or Official. (5/2008)
806.70	Defamation—Slander Actionable <i>Per Quod</i> —Private Figure—Not Matter of Public
	Concern. (5/2008)
806.71	Defamation—Slander Actionable <i>Per Quod</i> —Private Figure—Matter of Public
000171	Concern. (5/2008)
806.72	Defamation—Slander Actionable <i>Per Quod</i> —Public Figure or Official. (5/2008)
806.79	Defamation—Libel Actionable <i>Per Se</i> or Libel Actionable <i>Per Quod</i> —Private Figure—
000173	Not Matter of Public Concern—Defense of Truth as a Defense. (5/2008)
806.81	Defamation Actionable <i>Per Se</i> —Private Figure—Not Matter of Public Concern—
000.01	Presumed Damages. (5/2008)
806.82	Defamation Actionable <i>Per Se</i> —Private Figure—Matter of Public Concern—
000.02	Presumed Damages. (5/2008)
806.83	Defamation Actionable <i>Per Se</i> —Public Figure or Official—Presumed Damages.
000.05	(5/2008)
806.84	Defamation—Private Figure—Matter of Public Concern—Actual Damages. (5/2008)
806.85	Defamation—Defamation Actionable <i>Per Se</i> —Private Figure—Matter of Public
000.05	Concern—Punitive Damages. (5/2008)
	Concern Familie Bamagest (5/2000)
	Chapter 10. Interference with Contracts.
807.00	Wrongful Interference with Contract Right. (6/2020)
807.10	Wrongful Interference with Prospective Contract. (6/2020)
807.20	Slander of Title. (11/2004)
807.50	Breach of Duty—Corporate Director. (3/2016)
807.52	Breach of Duty—Corporate Officer. (5/2002)
807.54	Breach of Duty—Controlling Shareholder of Closely Held Corporation—Issue of
	Closely Held Corporation. (5/2002)
807.56	Breach of Duty—Controlling Shareholder of Closely Held Corporation—Issue of
207.20	Taking Improper Advantage of Power. (5/2002)
807.58	Breach of Duty—Controlling Shareholder of Closely Held Corporation—Issue of
-	Taking Improper Advantage of Power—Defense of Good Faith, Care and Diligence.
	(5/2002)
	Chapter 11. Medical Malpractice. Deleted.

Chapter 11. Medical Malpractice. Deleted.

Chapter 11A. Medical Negligence/Medical Malpractice.

809.00	Medical Negligence—Direct Evidence of Negligence Only. (6/2014)
809.00	Medical Malpractice—Direct Evidence of Negligence Only. (1/2019)
809.03	Medical Negligence—Indirect Evidence of Negligence Only ("Res Ipsa Loquitur").
	(6/2013)

809.03A	Medical Malpractice—Indirect Evidence of Negligence Only ("Res Ipsa Loquitur"). (5/2019)
809.05	Medical Negligence—Both Direct and Indirect Evidence of Negligence. (6/2014)
809.05A	Medical Malpractice—Both Direct and Indirect Evidence of Negligence. (5/2019)
809.06	Medical Malpractice—Corporate or Administrative Negligence by Hospital, Nursing
005.00	Home, or Adult Care Home. (6/2012)
000 07	, , , , , , , , , , , , , , , , , , ,
809.07	Medical Negligence—Defense of Limitation by Notice or Special Agreement.
000 00	(5/1998)
809.20	Medical Malpractice—Existence of Emergency Medical Condition. (6/2013)
809.22	Medical Malpractice—Emergency Medical Condition—Direct Evidence of Negligence
	Only. (5/2019)
809.24	Medical Malpractice—Emergency Medical Condition—Indirect Evidence of
	Negligence Only. ("Res Ipsa Loquitur"). (5/2019)
809.26	Medical Malpractice—Emergency Medical Condition—Both Direct and Indirect
	Evidence of Negligence. (5/2019)
809.28	Medical Malpractice—Emergency Medical Condition—Corporate or Administrative
000.20	Negligence by Hospital, Nursing Home, or Adult Care Home. (6/2012)
809.45	Medical Negligence—Informed Consent—Actual and Constructive. (5/2019)
809.65	Medical Negligence—Health Care Provider's Liability for Acts of Non-Employee
007.03	Agents—Respondeat Superior. (6/2012)
809.65A	Medical Malpractice—Health Care Provider's Liability for Acts of Non-Employee
009.03A	Agents—Respondeat Superior. (5/2019)
809.66	Medical Negligence—Health Care Provider's Liability for Acts of Non-Employee
009.00	, , ,
000 75	Agents—Respondent Superior—Apparent Agency. (5/2019)
809.75	Medical Negligence—Institutional Health Care Provider's Liability for Selection of
000 00	Attending Physician. (5/2019)
809.80	Medical Negligence—Institutional Health Care Provider's Liability for Agents;
	Existence of Agency. (6/2012)
809.90	Legal Negligence—Duty to Client (Delete Sheet) (6/2013)
809.100	Medical Malpractice—Damages—Personal Injury Generally. (6/2015)
809.114	Medical Malpractice Personal Injury Damages—Permanent Injury—Economic
	Damages. (6/2015)
809.115	Medical Malpractice Personal Injury Damages—Permanent Injury—Non-Economic
	Damages. (6/2015)
809.120	Medical Malpractice Personal Injury Damages—Final Mandate. (Regular). (6/2012)
809.122	Medical Malpractice—Personal Injury Damages—Final Mandate. (Per Diem
	Argument by Counsel). (6/2012)
809.142	Medical Malpractice—Damages—Wrongful Death Generally. (6/2015)
809.150	Medical Malpractice Wrongful Death Damages—Present Monetary Value of
003.130	Deceased to Next-of-Kin—Economic Damages. (6/2015)
809.151	Medical Malpractice Wrongful Death Damages—Present Monetary Value of
009.131	Deceased to Next-of-Kin—Non-Economic Damages. (6/2015)
900 1E4	
809.154	Medical Malpractice Wrongful Death Damages—Final Mandate. (Regular). (6/2012)
809.156	Medical Malpractice Wrongful Death Damages—Final Mandate. (Per Diem
	Argument by Counsel). (6/2012)
809.160	Medical Malpractice—Damages—No Limit on Non-Economic Damages. (6/2015)
809.199	Medical Malpractice—Sample Verdict Form—Damages Issues. (6/2015)
	Chapter 12. Damages.
810 Series	Reorganization Notice—Damages. (2/2000)

810 Series	Reorganization Notice—Damages. (2/2000)
810.00	Personal Injury Damages—Issue and Burden of Proof. (6/2012)
810.02	Personal Injury Damages—In General. (6/2012)

Replacemen	it Julie 2020
810.04	Personal Injury Damages—Damages—Medical Expenses. (6/2013)
810.04A	Personal Injury Damages—Medical Expenses—Stipulation. (6/2013)
810.04B	Personal Injury Damages—Medical Expenses—Stipulation as to Amount Paid or
0101015	Necessary to Be Paid, but Not Nexus to Conduct. (6/2013)
810.04C	Personal Injury Damages—Medical Expenses—No Stipulation, No Rebuttal
610.04C	• • • • • • • • • • • • • • • • • • • •
010.045	Evidence. (6/2013)
810.04D	Personal Injury Damages—Medical Expenses—No Stipulation, Rebuttal Evidence
	Offered. (6/2013)
810.06	Personal Injury Damages—Loss of Earnings. (2/2000)
810.08	Personal Injury Damages—Pain and Suffering. (5/2006)
810.10	Scars or Disfigurement. (6/2010)
810.12	Personal Injury Damages—Loss (of Use) of Part of the Body. (6/2010)
810.14	Personal Injury Damages—Permanent Injury. (6/2015)
810.16	Personal Injury Damages—Future Worth in Present Value. (2/2000)
810.18	Personal Injury Damages—Set Off/Deduction of Workers' Compensation Award.
	(11/1999)
810.20	Personal İnjury Damages—Final Mandate. (Regular). (6/2012)
810.22	Personal Injury Damages—Final Mandate. (Per Diem Argument by Counsel).
010.22	(6/2012)
810.24	Personal Injury Damages—Defense of Mitigation. (6/2018)
810.30	Personal Injury Damages—Loss of Consortium. (12/1999)
810.32	Personal Injury Damages—Parent's Claim for Negligent or Wrongful Injury to Minor
010.52	Child. (6/2010)
810.40	Wrongful Death Damages—Issue and Burden of Proof. (1/2000)
810.41	Wrongful Death Damages—Issue and Burden of Proof. (1/2000) Wrongful Death Damages—Set Off/Deduction of Workers' Compensation Award.
010.41	(5/2017)
810.42	Wrongful Death Damages—In General. (6/2012)
810.44	Wrongful Death Damages—Medical Expenses. (6/2013)
810.44A	Wrongful Death Damages—Medical Expenses—Stipulation. (6/2013)
810.44B	Wrongful Death Damages—Medical Expenses—Stipulation as to Amount Paid or
010.440	Necessary to Be Paid, but Not Nexus to Conduct. (6/2013)
810.44C	Wrongful Death Damages—Medical Expenses—No Stipulation, No Rebuttal
610.44C	Evidence. (6/2013)
010 445	
810.44D	Wrongful Death Injury Damages—Medical Expenses—No Stipulation, Rebuttal
010.46	Evidence Offered. (6/2013)
810.46	Wrongful Death Damages—Pain and Suffering. (1/2000)
810.48	Wrongful Death Damages—Funeral Expenses. (6/2013)
810.48A	Wrongful Death Damages—Funeral Expenses—Stipulation. (6/2013)
810.48B	Wrongful Death Damages—Funeral Expenses—Stipulation as to Amount Paid or
	Necessary to Be Paid, but Not Nexus to Conduct. (6/2013)
810.48C	Wrongful Death Damages—Funeral Expenses—No Stipulation, No Rebuttal
	Evidence. (6/2013)
810.48D	Wrongful Death Damages—Funeral Expenses—Stipulation, Rebuttal Evidence
	Offered. (6/2013)
810.49	Personal Injury Damages—Avoidable Consequences—Failure to Mitigate Damages.
	(Delete Sheet). (10/1999)
810.50	Wrongful Death Damages—Present Monetary Value of Deceased to Next-of-Kin.
- -	(6/2015)
810.54	Wrongful Death Damages—Final Mandate. (Regular). (6/2012)
810.56	Wrongful Death Damages—Final mandate. (Per Diem Argument by Counsel).
320.50	(6/2012)
810.60	Property Damages—Issue and Burden of Proof. (4/2017)
810.62	Property Damages—Issue and Burden of Proof. (4/2017) Property Damages—Diminution in Market Value. (2/2000)
010.02	Troperty Damages Diminution in Plantet Value, (2/2000)

N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020 810.64 Property Damages—No Market Value—Cost of Replacement or Repair. (2/2000) Property Damages—No Market Value, Repair, or Replacement—Recovery of 810.66 Intrinsic Actual Value. (6/2013) Property Damages—Final Mandate. (2/2000) 810.68 810.90 Punitive Damages—Issue of Existence of Outrageous or Aggravated Conduct. (5/1996)810.91 Punitive Damages—Issue of Existence of Malicious, Willful or Wanton, or Grossly Negligent Conduct—Wrongful Death Cases. (5/1997) 810.92 Punitive Damages—Insurance Company's Bad Faith Refusal to Settle a Claim. (5/1996)810.93 Punitive Damages—Issue of Whether to Make Award and Amount. (5/1996) 810.94 Punitive Damages—Issue of Whether to Make Award and Amount. (Special Cases). 810.96 Punitive Damages—Liability of Defendant. (3/2016) 810.98 Punitive Damages—Issue of Whether to Make Award and Amount of Award. (5/2009)Chapter 13. Legal Malpractice. 811.00 Legal Negligence—Duty to Client (Formerly 809.90) [as represented from Civil Committee] (3/2020) **Chapter 14. Animals.** Animals—Liability of Owners and Keepers. (5/1996) 812.00(Preface) 812.00 Animals—Common Law (Strict) Liability of Owner for Wrongfully Keeping Vicious Domestic Animals. (5/2020) Animals—Liability of Owner Who Allows Dog to Run at Large at Night. (8/2004) 812.01 Animals—Common Law Liability of Owner Whose Domestic Livestock Run at Large 812.02 with Owner's Knowledge and Consent. (5/1996) Animals—Common Law Liability of Owner of Domestic Animals. (6/2011) 812.03 812.04 Animals—Owner's Negligence In Violation of Animal Control Ordinance. (5/1996) 812.05 Animals—Liability of Owner of Dog Which Injures, Kills, or Maims Livestock or Fowl. (5/1996)Animals—Liability of Owner Who Fails to Destroy Dog Bitten by Mad Dog. (5/1996) 812.06 812.07 Animals—Statutory (Strict) Liability of Owner of a Dangerous Dog. (5/1996) Chapter 15. Trade Regulation. Trade Regulation—Preface. (6/2013) 813.00 813.05 Model Unfair or Deceptive Trade Practice Charge. (6/2014) 813.20 Trade Regulation—Violation—Issue of Contracts and Conspiracies in Restraint of Trade. (1/1995) 813.21 Trade Regulation—Violation—Issue of Unfair Methods of Competition and Unfair or Deceptive Acts or Practices. (2/2020) 813.22 Trade Regulation—Violation—Definition of Conspiracy. (2/2019) Trade Regulation—Violation—Issue of Price Suppression of Goods. (5/1997) 813.23 813.24 Trade Regulation—Violation—Issue of Condition Not to Deal in Goods of Competitor. (5/1997) 813.25 Trade Regulation—Violation—Issue of Predatory Acts with Design of Price Fixing. (5/1997)813.26 Trade Regulation—Violation—Issue of Predatory Pricing. (5/1997) 813.27 Trade Regulation—Violation—Issue of Discriminatory Pricing. (5/1997) Trade Regulation—Violation—Issue of Territorial Market Allocation. (5/1997) 813.28 813.29 Trade Regulation—Violation—Issue of Price Fixing. (5/1997)

Page 16 of 23

Fraudulent Transfer—Present and Future Creditors—Insolvent Debtor and Lack of

(2/2017)

Reasonably Equivalent Value. (6/2018)

Page 18 of 23
N.C.P.ICivil Table of Contents
General Civil Volume
Replacement June 2020

814.75	Fraudulent Transfer—Present Creditors—Transfer to Insider While Insolvent. (6/2018)
814.80	Fraudulent Transfer—Present Creditors—Transfer to Insider While Insolvent—Defense of New Value Given. (2/2017)
814.81	Fraudulent Transfer—Present Creditors—Transfer to Insider While Insolvent—Defense of New Value Given—Amount of New Value (5/2017)
814.85	Fraudulent Transfer—Present Creditors—Transfer to Insider While Insolvent— Defense of Transfer in the Ordinary Course. (6/2015)
814.90	Fraudulent Transfer—Present Creditors—Transfer to Insider While Insolvent— Defense of Good Faith Effort to Rehabilitate. (6/2015)
	Chapter 18. Budget Dispute Between Board of Education and Board of County Commissioners.
814.95	Budget Dispute Between Board of Education and Board of County Commissioners (5/2015)
814.95A	Budget Dispute Between Board of Education and Board of County Commissioners— Appendix— Sample Verdict Sheet (3/2016)

PART V. FAMILY MATTERS

815 Series 815.00	Various Family Matters Instructions—Delete Sheet. (1/2000) Void Marriage—Issue of Lack of Consent. (8/2004)
815.02	Void Marriage—Issue of Lack of Proper Solemnization. (1/1999)
815.04	Void Marriage—Issue of Bigamy. (1/1999)
815.06	Void Marriage—Issue of Marriage to Close Blood Kin. (1/1999)
815.08	Invalid Marriage—Issue of Same Gender Marriage. (1/1999)
815.10	Divorce Absolute—Issue of Knowledge of Grounds. (1/1999)
815.20	Voidable Marriage (Annulment)—Issue of Marriage of Person 16 and 18. (1/1999)
815.22	Voidable Marriage (Annulment)—Issue of Marriage of Person Under 16—Defense of Pregnancy or Living Children. (1/1999)
815.23	Voidable Marriage (Annulment)—Issue of Marriage of Person Under 16. (1/1999)
815.24	Voidable Marriage (Annulment)—Issue of Impotence. (1/1999)
815.26	Voidable Marriage (Annulment)—Issue of Impotence—Defense of Knowledge. (1/1999)
815.27	Voidable Marriage (Annulment)—Issue of Duress. (5/2006)
815.28	Voidable Marriage (Annulment)—Issue of Lack of Sufficient Mental Capacity and Understanding. (1/1999)
815.29	Voidable Marriage (Annulment)—Issue of Undue Influence. (5/2006)
815.30	Voidable Marriage (Annulment)—Isses of Marriage to Close Blood Kin, Marriage of Person Under 16, Marriage of Person Between 16 and 18, Impotence and Lack of Sufficient Mental Capacity and Understanding—Defense of Cohabitation and Birth of Issue. (1/1999)
815.32	Voidable Marriage (Annulment)—Issues of Marriage of Person Under 16, Marriage of Person Between 16 and 18, Impotence, and Lack of Sufficient Mental Capacity and Understanding—Defense of Ratification. (1/1999)
815.40	Divorce—Absolute—Issue of One Year's Separation. (8/2004)
815.42	Divorce—Absolute—Issue of One Year's Separation—Defense of Mental Impairment. (1/1999)
815.44	Divorce—Absolute—Issue of Incurable Insanity. (1/1999)
815.46	Divorce—Absolute—Issue of Incurable Insanity—Defense of Contributory Conduct of Sane Spouse. (1/1999)
815.50	Divorce—From Bed and Board—Issue of Abandonment. (8/2004)

Page 19 of 23 N.C.P.ICivil Table of Contents General Civil Volume		
Replacemen	nt June 2020	
815.52 815.54	Divorce—From Bed and Board—Issue of Malicious Turning Out-of-Doors. (1/1999) Divorce—From Bed and Board—Issue of Cruelty. (1/1999)	
815.56	Divorce—From Bed and Board—Issue of Indignities. (8/2004)	
815.58	Divorce—From Bed and Board—Issue of Excessive Use of Alcohol or Drugs. (1/1999)	
815.60 815.70	Divorce—From Bed and Board—Issue of Adultery. (1/1999)	
815.70	Alimony—Issue of Marital Misconduct. (6/2013) Alimony—Issue of Condonation. (5/2009)	
815.72	Alimony—Issue of Condonation. (3/2009) Alimony—Issue of Condonation—Violation of Condition. (5/2009)	
815.75	Child Born Out of Wedlock—Issue of Paternity. (3/1999)	
815.90	Parents' Strict Liability for Personal Injury or Destruction of Property by Minor. G.S. 1-538.1. (3/1999)	
815.91	Parents' Strict Liability for Personal Injury or Destruction of Property by Minor— Issue of Damages. G.S. 1-538.1. (Delete Sheet). (3/1999)	
815.92	Parents' Strict Liability for Personal Injury or Destruction of Property by Minor—Defense of Removal of Legal Custody and Control. (3/1999)	
817.00	Incompetency. (6/2007)	
PART VI. L	AND ACTIONS	
	Chapter 1. Adverse Possession.	
820.00	Adverse Possession—Holding for Statutory Period. (4/2019)	
820.10	Adverse Possession—Color of Title. (4/2019)	
820.16	Adverse Possession by a Cotenant Claiming Constructive Ouster. (2/2017)	
	Chapter 2. Proof of Title.	
820.40	Proof of Title—Real Property Marketable Title Act. (6/2018)	
820.50	Proof of Title—Connected Chain of Title from the State. (5/2001)	
820.60	Proof of Title—Superior Title from a Common Source—Source Uncontested.	
	(5/2001)	
820.61	Proof of Title—Superior Title from a Common Source—Source Contested. (5/2001)	
	Chapter 3. Boundary Dispute.	
825.00	Processioning Action. (5/2020)	
	Chapter 4. Eminent Domain—Initiated Before January 1, 1982. Deleted. (2/1999)	
830.00	Eminent Domain—Procedures. (Delete Sheet). (2/1999)	
830.05	Eminent Domain—Total Taking. (Delete Sheet). (2/1999)	
830.10	Eminent Domain—Partial Taking—Fee. (Delete Sheet). (2/1999)	
830.15	Eminent Domain—Partial Taking—Easement. (Delete Sheet). (2/1999)	
830.20	Eminent Domain—General and Special Benefits. (Delete Sheet). (2/1999)	
830.30	Eminent Domain—Comparables. (Delete Sheet). (2/1999)	
	Chapter 5. Eminent Domain—Initiated on or After January 1, 1982.	
835.00	Eminent Domain—Series Preface. (4/1999)	
835.05	Eminent Domain—Introductory Instruction. (4/1999)	
835.05i	Eminent Domain—Introductory Instruction. (Delete Sheet). (8/2015)	
835 10	Eminent Domain—Issue of Just Compensation—Total Taking by Department of	

Eminent Domain—Issue of Just Compensation—Total Taking by Department of

Eminent Domain—Issue of Just Compensation—Partial Taking by Department of

Transportation or by Municipality for Highway Purposes. (4/2020)

Transportation or by Municipality for Highway Purposes. (4/2019)

835.05i 835.10

Page 20 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

•	
835.12A	Eminent Domain—Just Compensation—Partial Taking by Department of Transportation or by Municipality for Highway Purposes—Issue of General or Special Benefit. (5/2017)
835.13	Eminent Domain—Issue of Just Compensation—Partial Taking by Department of Transportation or by Municipality for Highway Purposes ("Map Act"). (4/2019)
835.13A	Eminent Domain—Just Compensation—Partial Taking by Department of Transportation or by Municipality for Highway Purposes ("Map Act") – Issue of General or Special Benefit. (5/2017)
835.14	Eminent Domain—Issue of Just Compensation—Taking of an Easement by Department of Transportation or by Municipality for Highway Purposes. (4/2019)
835.14A	Eminent Domain—Just Compensation—Taking of an Easement by Department of Transportation or by Municipality for Highway Purposes—Issue of General or Special Benefit. (5/2017)
835.15	Eminent Domain—Issue of Just Compensation—Total Taking by Private or Local Public Condemnors. (5/2006)
835.15A	Eminent Domain—Issue of Just Compensation—Taking of a Temporary Construction or Drainage Easment by Department of Transportation or by Municipality for Highway Purposes. (2/2020)
835.20	Eminent Domain—Issue of Just Compensation—Partial Taking by Private or Local Public Condemnors—Fair Market Value of Property Taken. (5/2006)
835.20A	Eminent Domain—Issue of Just Compensation—Taking of an Easement by Private or Local Public Condemnors—Fair Market Value of Property Taken. (5/2006)
835.22	Eminent Domain—Issue of Just Compensation—Partial Taking by Private or Local Public Condemnors—Fair Market Value of Property Before and After the Taking. (5/2006)
835.22A	Eminent Domain—Issue of Just Compensation—Taking of an Easement by Private or Local Public Condemnors—Fair Market Value of Property Before and After the Taking. (5/2006)
835.24	Eminent Domain—Issue of Just Compensation—Partial Taking by Private or Local Public Condemnors—Greater of the Fair Market Value of Property Taken or the Difference in Fair Market Value of the Property Before and After the Taking. (5/2006)
835.24A	Eminent Domain—Issue of Just Compensation—Taking of an Easement by Private or Local Public Condemnors—Greater of the Fair Market Value of Property Taken or the Difference in Fair Market Value of the Property Before and After the Taking. (5/2006)
835.30	Eminent Domain—Comparables. (Delete Sheet). (5/1999)
0.40, 0.0	Chapter 6. Easements.
840.00 840.10	Easement—General Definition. (Delete Sheet). (2/2000) Easement by Prescription. (4/2019)
840.20	Implied Easement—Use of Predecessor Common Owner. (6/2015)
840.25	Implied Easement—Way of Necessity. (6/2015)
840.30	Cartway Proceeding. N.C. Gen Stat. § 136-69 (6/2015)
840.31	Cartway Proceeding—Compensation. (5/2000)
845.00	Chapter 7. Summary Ejectment and Rent Abatement. Summary Ejectment—Violation of a Provision in the Lease. (4/2017)
845.04	Summary Ejectment—Violation of a Provision in the Lease. (4/2017) Summary Ejectment—Defense of Tender. (2/1993)
845.05	Summary Ejectment—Failure to Pay Rent. (2/1993)
845.10	Summary Ejectment—Holding Over After the End of the Lease Period. (2/1993)
845.15	Summary Ejectment—Defense of Waiver of Breach by Acceptance of Rent. (12/1992)

Page 21 of 23
N.C.P.ICivil Table of Contents General Civil Volume
Replacement June 2020

845.20	Summary Ejectment—Damages. (2/1993)
845.30	Landlord's Responsibility to Provide Fit Residential Premises. (2/1993)
845.35	Landlord's Responsibility to Provide Fit Residential Premises—Issue of Damages.
	(1/2000)

Chapter 8. Land-Disturbing Activity.

- 847.00 Land-Disturbing Activity—Sedimentation Pollution Control Act of 1973—Violation of Act—Violation of Ordinance, Rule or Order of Secretary of Environment and Natural Resources or of Local Government. (5/2008)
- Land-Disturbing Activity—Sedimentation Pollution Control Act of 1973—Violation of 847.01 Act—Violation of Ordinance, Rule or Order of Secretary of Environment and Natural Resources or of Local Government—Damages. (5/2008)

PART VII. DEEDS, WILLS, AND TRUSTS

	Chapter 1. Deeds.				
850.00	Deeds—Action to Establish Validity—Requirements. (8/2004)				
850.05	Deeds—Action to Set Aside—Lack of Mental Capacity. (5/2002)				
850.10	Deeds—Action to Set Aside—Mutual Mistake of Fact. (6/2013)				
850.15	Deeds—Action to Set Aside—Undue Influence. (5/2002)				
850.20	Deeds—Action to Set Aside—Duress. (5/2002)				
850.25	Deeds—Action to Set Aside—Fraud. (8/2004)				
850.30	Deeds—Action to Set Aside—Grossly Inadequate Consideration ("Intrinsic Fraud"). (5/2002)				
850.35	Deeds—Action to Set Aside—Constructive Fraud. (5/2002)				
850.40	"Deeds—Action to Set Aside—Constructive Fraud—Rebuttal by Proof of Openness, Fairness and Honesty." (5/2002)				
850.45	Deeds—Action to Set Aside—Defense of Innocent Purchaser. (5/2020)				
850.50	Deeds—Action to Set Aside—Lack of Valid Delivery. (8/2004)				
850.55	Deeds—Action to Set Aside—Lack of Legally Adequate Acceptance. (5/2001)				
	Chapter 1A. Foreclosure Actions.				
855.10	Foreclosure—Action for Deficiency Judgment—Amount of Debt Owed (4/2016)				
855.12	Foreclosure—Action for Deficiency Judgment—Defense of Mortgagor to Defeat and Offset Deficiency Judgment—Property Fairly Worth Amount Owed (4/2016)				
855.14	Foreclosure—Action for Deficiency Judgment—Defense of Mortgagor to Defeat and Offset Deficiency Judgment—Bid Substantially Less than True Value of Property on Date of Foreclosure (4/2016)				
855.16	Foreclosure—Action for Deficiency Judgment—Defense of Mortgagor to Defeat and Offset Deficiency Judgment—True Value of Property on Date of Foreclosure Sale (3/2016)				

Chanter 2 Wills

Worksheet (6/2014)

855.18

	Chapter 2. wills.
860.00	Wills—Introductory Statement by Court. (Optional). (5/2006)
860.05	Wills—Attested Written Will—Requirements. (4/2017)
860.10	Wills—Holographic Wills—Requirements. (5/2019)
860.15	Wills—Issue of Lack of Testamentary Capacity. (4/2017)
860.16	Wills—Issue of Lack of Testamentary Capacity—Evidence of Suicide. (Delete
	Sheet). (5/2001)
860.20	Wills—Issue of Undue Influence. (5/2017)
860.22	Wills—Issue of Duress. (5/2002)
	Wills—Issue of Undue Influence. (5/2017)

Foreclosure—Action for Deficiency Judgment—Sample Verdict Form & Judge's

Page 22 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020 860.25 Wills—Devisavit Vel Non. (5/2001) **Chapter 3. Parol Trusts.** Parol Trusts—Express Trust in Purchased Real or Personal Property. (5/2001) 865.50 865.55 Parol Trusts—Express Trust in Transferred Real or Personal Property. (8/2004) 865.60 Parol Trusts—Express Declaration of Trust in Personal Property. (5/2001) Trusts by Operation of Law—Purchase Money Resulting Trust (Real or Personal 865.65 Property), (6/2014) 865.70 Trusts by Operation of Law—Resulting Trust Wheree Purchase Made with Fiduciary Funds. (6/2014) 865.75 Trusts by Operation of Law—Constructive Trust. (6/2015) **PART VIII. INSURANCE** Chapter 1. Liability for Agent for Failure to Procure Insurance. 870.00 Failure to Procure Insurance—Negligence Issue. (6/2013) Failure to Procure Insurance—Breach of Contract Issue. (2/2005) 870.10 Chapter 2. Accident, Accidental Means, and Suicide. 870.20 Accidental Means Definition. (5/2005) "Accident" or "Accidental Means" Issue—Effect of Diseased Condition. (5/2005) 870.21 Accident Issue—Insurance. (2/2005) 870.25 870.30 General Risk Life Insurance Policy—Suicide as a Defense. (3/2005) 870.72 Identity Theft—Indentifying Information. (6/2010) Identity Theft—Identifying/Personal Information. (6/2010) 870.73 Chapter 3. Disability. 880.00 Disability—Continuous and Total Disability Issue. (3/2005) Disability—Continuous Confinement Within Doors Issue. (3/2005) 880.01 Disability—Constant Care of a Licensed Physician Issue. (3/2005) 880.02 **Chapter 4. Material Misrepresentations.** 880.14 Misrepresentation in Application for Insurance—Factual Dispute. (5/2005) 880.15 Misrepresentation in Application for Insurance—Issue of Falsity of Representation. (5/2005)880.20 Materiality of Misrepresentation in Application for Insurance. (5/2006) 880.25 Fire Insurance Policy—Willful Misrepresentation in Application. (5/2005) 880.26 Concealment in Application for Non-Marine Insurance. (5/2005) 880.30 Misrepresentation in Application—False Answer(s) Inserted by Agent. (Estoppel). (5/2006)Chapter 5. Definitions. 900.10 Definition of Fiduciary; Explanation of Fiduciary Relationship. (6/2020) **Chapter 6. Fire Insurance.** 910.20 Fire Insurance—Hazard Increased by Insured. (5/2006) 910.25 Fire Insurance—Intentional Burning by Insured. (5/2006) 910.26 Fire Insurance Policy—Willful Misrepresentation in Application, (5/2006) Fire Insurance—Defense of Fraudulent Proof of Loss. (5/2006) 910.27 Chapter 7. Damages. 910.80 Insurance—Damages for Personal Property—Actual Cash Value. (6/1983) Insurance—Damages for Real Property—Actual Cash Value. (6/1983) 910.90

Page 23 of 23 N.C.P.I.-Civil Table of Contents General Civil Volume Replacement June 2020

APPENDICES.

- A. TABLE OF SECTIONS OF GENERAL STATUTES INVOLVED IN CIVIL INSTRUCTIONS. (6/1985)
- B. DESCRIPTIVE WORD INDEX. (6/2017)