

DEFENDANT'S REQUESTED CHARGE NO. 1

I CHARGE YOU GENTLEMEN OF THE JURY THAT ANY STATEMENTS MADE BY DAN WHITE MUST HAVE BEEN TO A MATERIAL FACT WHICH WAS THEN EXISTING AT THE TIME OF THE MAKING OF THE SAID STATEMENTS, AND THAT IF IT WAS NOT A MATERIAL FACT AT THE TIME THAT THE STATEMENTS WERE MADE, THEN YOU CANNOT FIND FOR THE PLAINTIFF UNDER ~~ARTICLE 10~~ ~~SECTION 10~~ THE BILL OF COMPLAINT.

*Refused
Zulfair J. Maddison
Judge.*

DEFENDANT'S REQUESTED CHARGE NO. 2

GENTLEMEN OF THE JURY, YOU ARE INSTRUCTED THAT YOU CANNOT FIND THE VERDICT FOR THE PLAINTIFF ON ACCOUNT OF THE FALSITY OF ANY REPRESENTATION WHICH DAN WHITE MAY HAVE MADE TO THE PLAINTIFF, UNLESS THE JURY ARE REASONABLY SATISFIED, FROM THE EVIDENCE, THAT AT THE TIME OF SAID STATEMENTS SAID DAN WHITE KNEW THAT THE SAME WERE FALSE, OR MADE THE STATEMENTS FRAUDULENTLY OR RECKLESSLY AS TRUE, WITH THE INTENTION TO DECEIVE THE PLAINTIFF.

Given
Joseph J. Madalena
Judge

DEFENDANT'S REQUESTED CHARGE NO. 3

I CHARGE YOU GENTLEMEN OF THE JURY THAT YOU CANNOT RETURN A VERDICT FOR THE PLAINTIFF UNLESS YOU ARE REASONABLY SATISFIED THAT THE AGENT OF THE DEFENDANT KNEW HIS REPRESENTATIONS TO THE PLAINTIFF WERE FALSE AND THAT THE REPRESENTATIONS WERE MADE WITH DELIBERATE INTENT TO DECEIVE THE PLAINTIFF.

*Siven,
Sefair J. MacLure
Judge*

DEFENDANT'S REQUESTED CHARGE NO. 4

GENTLEMEN OF THE JURY, I CHARGE YOU THAT THE BURDEN IS ON THE PLAINTIFF TO MAKE OUT EVERY MATERIAL ALLEGATION OF THE COMPLAINT, AND THAT IS THAT THIS AGENT WAS ACTING WITHIN THE SCOPE OF HIS EMPLOYMENT, MADE A FALSE REPRESENTATION OF A MATERIAL FACT, THAT THE PLAINTIFF RELIED ON THAT FALSE REPRESENTATION AND MADE THIS PURCHASE. WHETHER OR NOT HE WAS ACTING WITHIN THE LINE AND SCOPE OF HIS AUTHORITY, AND WHETHER OR NOT HE MADE ANY SUCH REPRESENTATION, IF HE MADE IT, AND WHETHER OR NOT IT WAS FALSE, IT IS A QUESTION FOR YOUR DETERMINATION FROM ALL OF THE EVIDENCE AND CIRCUMSTANCES IN THIS CASE, AND IT IS FOR YOU TO SAY FROM ALL OF THE EVIDENCE IN THIS CASE WHETHER DAN WHITE MADE ANY REPRESENTATION, AND, IF HE DID, WHETHER OR NOT HE HAD ANY AUTHORITY TO MAKE IT, AND IF HE DID MAKE IT AND DID HAVE AUTHORITY, AND WHETHER THE PLAINTIFF RELIED ON THAT REPRESENTATION IN PURCHASING THE PACKAGE FROM SCHOLZ HOMES.

Walter J. Madeline, Judge

Defendant's Charge of

The Court charges you Gent
of the Jury that if you
believe the evidence in the
case you must find for
the Defendant

Refused

Josiah J. Massey

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Plaintiffs' charge Number 1.

The Court charges the jury that if you believe the evidence, you must find for the Plaintiffs.

~~was~~ Refused,
Jefair J. Madisera
Judge.

Plaintiff's charge Number 2.

The Court charges the jury that if you believe the evidence, you cannot find for the Defendant.

Refused
Jefery J. Madburn
judge

Plaintiffs' Charge Number

3

The statement of an opinion which is not the opinion of the maker, made to deceive and which does deceive, may, by reason of the peculiar knowledge of the maker of the facts upon which a reliable opinion may be based, amount to deceit.

Refused,
Julian J. Washburn
Judge

Plaintiffs' Charge Number 4

The expression of an opinion which is not the opinion of the maker and which is intended to be relied upon by another party in a transaction is a deceit.

*Refused,
Jefair J. Nashburn
Judge*

Plaintiffs' Charge Number

5

A party in dealing with another must act in good faith and, for the purpose of inducing a contract, may not assert as a fact a material representation without knowing it to be true.

*Refused,
Jefair J. Mathis
Judge.*

Plaintiffs' Charge Number

5

A party in dealing with another must act in good faith and, for the purpose of inducing a contract, may not assert as a fact a material representation without knowing it to be true.

*Refused
Jeffery Maslesbury
Judge.*

Plaintiffs' Charge Number 6

If false representation was made by Defendant and was relied on by Plaintiffs, to their injury, it is immaterial that the person making them believed them to be true.

*Refused,
Jefair J. MacArthur
Judge.*

Plaintiffs' Charge Number 7

When a statement made is assumed to be within
the knowledge of the person making it, the other party
has the right to rely on the statement.

Refused
Julian J. Madelison
judge.

Plaintiffs' Charge Number 8

Under the statute relating to legal fraud, the good faith of the party making a statement that is misleading is not material.

*Refused
Jeffrey J. Manselburn
judge.*

Plaintiffs' Charge Number 7

Representations recklessly made as of one's own knowledge, without in fact knowing whether they are true or not, are actionable as fraudulent.

*Refused,
Telfair J. Matthews
Judge.*

Plaintiffs' Charge Number 70

Statement of opinion made by reason of peculiar
knowledge of facts, if untrue, amounts to deceit.

Refused,
Jeffrey J. MacLennan
Judge.

Plaintiffs' Charge Number 11

If a purchaser states his ignorance, and invites the opinion of the sellor, and gives him to understand that his opinion is to be relied upon the vendor is not bound to answer; but if he does, his answer must speak the truth.

*Refused,
Seifair J. Marshall
Judge.*

Plaintiffs' Charge Number

62

The estimate of cost of construction of Plaintiffs' house was a material representation and if Defendant's agent had reason to believe the cost to be more than that represented by him, then he has misrepresented his opinion and has committed a fraud.

*Refused,
Jeffery M. Masburn
JMS.*

Plaintiffs' Charge Number 13

The estimate of cost of construction of Plaintiffs' house was a material representation and if Defendant's agent had reason to believe the cost to be more than that represented by him, then he has misrepresented his opinion and has made a fraudulent statement.

*Refused,
Jefair J. Mauldin
Judge.*

Plaintiffs' Charge Number 14

Whenever a person states a matter which might otherwise be only an opinion, not as a mere expression of his own opinion but as an existing fact material to the transaction, so that the other party may reasonably treat it as a fact, the statement clearly becomes a statement of fact.

Refused
Jefair J. Washburn
Judge