

*Civil Action no 11,861*

CHARGE NUMBER 1:

I charge the Jury that if you must resort to speculation or conjecture in resolving any item of damages claimed by the Plaintiffs, then you cannot find for the Plaintiffs as to that particular item.

*Refuse*

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CHARGE NUMBER 2:

I charge the Jury that Plaintiffs claim damages for breach of an implied warranty of fitness as to all items of work except the footings under the brick veneer, thickness of air conditioning insulation, and landscaping and I charge you that unless you find that the Plaintiffs gave reasonable notice to the Defendant of the alleged defects and an opportunity to correct the same, then you cannot return a verdict for the Plaintiffs for defects so alleged.

*Refuse*

CHARGE NUMBER 3 :

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I charge you with respect to the torginal in the bathrooms that if you find from the evidence that Plaintiffs gave reasonable notice to the Defendant of the defect and the Defendant offered to correct the defect but the Plaintiffs refused to allow him to do so without reasonable cause, then you cannot find for the Plaintiffs for the alleged defect with respect to the torginal.

*Refusal*