

DEFENDANT'S REQUESTED CHARGE NO. 1

The Court charges the jury that the plaintiff in this action sues the defendant for breach of contract. The elements of an action for breach of contract are:

1. Existence of a contract between plaintiff and defendant.
2. Performance by the plaintiff.
3. Defendant's failure to perform.
4. Resulting damage to the plaintiff.

*Cisner*  
*W. L. Vay*

PLAINTIFF'S REQUESTED CHARGE NUMBER 1

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the Plaintiff, on or about the 11th day of November, 1975, sold and delivered to the Defendant certain goods and inventory and other personal property for the price of Four Thousand Dollars (\$4,000.00) and that the Plaintiff has not been paid said sum, then you would be authorized to return a verdict in favor of the Plaintiff for Four Thousand Dollars (\$4,000.00) under Count One of the Complaint.

Given \_\_\_\_\_

Refused X  
*W. L. Hay*

PLAINTIFF'S REQUESTED CHARGE NUMBER 2

The Court charges the jury that the measure of damages for breach of contract alleged under Count Two of the Complaint, if you are reasonably satisfied that the Plaintiff is entitled to recover under said Count, would be the difference between the reasonable market value of the property on the date the contract was breached and the amount that the Plaintiff had agreed to pay the Defendant for such property and, in addition, you may award the Plaintiff any amount paid to the Defendant pursuant to this contract.

Given *[Signature]* Refused