### IDJI 6.28.6 – Defense of undue influence

INSTRUCTION NO. \_\_\_\_

 To establish the defense of undue influence, the party must prove each of the following propositions:

 1. The party was compelled to accept the contract by deceit, force or fear;

 2. But for the deceit, force or fear, the party would not have entered into the contract.

 A person has a right by fair persuasion or argument to induce another person of sound mind to contract in his favor, and a transaction under such influence will not be invalid on that account.

 If you find from your consideration of all the evidence in the case that each of the foregoing propositions has been proved, your verdict should be for the [party claiming the issue]. If you find that any of the propositions has not been proved, then your verdict should be for [party adverse to this issue].