### IDJI 4.50 – Conversion -- issues

INSTRUCTION NO. \_\_\_\_\_

 The plaintiff has the burden of proving each of the following propositions:

 1. That the defendant [took] [kept] plaintiff's (name of item taken or held) without a right to do so;

 2. The nature and extent of the damages to plaintiff and the amount thereof.

 If you find from your consideration of all the evidence that each of these propositions has been proved, then your verdict should be for the plaintiff; but, if you find from your consideration of all the evidence that any of these propositions has not been proved, then your verdict should be for the defendant.

Comment:

 Those conversions covered by the Uniform Commercial Code are not necessarily covered by this form. The Committee recommends that in cases covered by that Code, this form be used but that, in addition, the relevant portion of the appropriate Code section be read or paraphrased as a definition, description, or explanation of the phrase “exercised dominion over” or of the phrase “deprived of possession.”

See Carver v. Ketchum, 53 Idaho 595, 26P.2n 139; Klam v. Koppel, 63 Idaho 171, 118 P.2d 729; Adair v. Freeman, 92 Idaho 773, 451 P2d 519.