### IDJI 6.05.7 – Mutual mistake

INSTRUCTION NO. \_\_\_

Mutual mistake occurs when both parties, at the time of contracting, share a misconception regarding a basic assumption or vital fact upon which the bargain is based.

Comment:

Hines v. Hines, 129 Id. 847, 853 (1997); Dennet v. Kuenzli, 130 Id. 27 (Ct. App. 1997); Moore v. Mullen, 123 Id. 985, 988 (Ct. App. 1993); Leydet v. City of Mountain Home, 119 Id. 1041.