### IDJI 6.23 - Accord and satisfaction

INSTRUCTION NO. \_\_\_\_

 The defendant has asserted the defense of accord and satisfaction. An accord and satisfaction is a new contract which discharges the rights and obligations created by a previous contract. The defendant has the burden of proof on each of the following propositions:

 1. A bona fide dispute existed between the parties as to the performance due under the original contract;

 2. The defendant offered some stated performance in full satisfaction of the obligation due under the original contract;

 3. The plaintiff accepted the performance offered, and understood, or reasonably should have understood, that it constituted full satisfaction of the obligation due under the original contract.

 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 defendant. If you find that any of the propositions has not been proved, then your verdict should be for the plaintiff.