

13-1633. Fraud.

A party is liable for damages proximately caused by [his] [her] fraudulent misrepresentation. To prove fraud, _____ (*party claiming fraud*) must prove:

First, a representation of fact was made which was not true;

Second, either the falsity of the representation was known to the party making it or the representation was recklessly made;

Third, the representation was made with the intent to deceive and to induce _____ (*party claiming fraud*) to rely on the representation; and

Fourth, _____ (*party claiming fraud*) did in fact rely on the representation.

Each of these elements must be proved by clear and convincing evidence.

USE NOTES

This instruction is to be used only in cases where the claim is for fraudulent misrepresentation. See UJI 13-1632 for cases where negligent misrepresentation claims are made.

[Adopted, effective November 1, 1991.]