

### **205.02 Tortious Interference With Expectancy—Burden of Proof**

The plaintiff has the burden of proving each of the following propositions in [Count \_\_\_\_ of] his complaint:

First, that the plaintiff had an expectancy that he would receive an inheritance from the decedent upon the decedent's death;

Second, that the defendant intentionally interfered with the plaintiff's expectancy;

Third, that the interference involved [fraud,] [duress,] [undue influence] [or] [describe other tortious conduct charged];

Fourth, that there was a reasonable certainty that the inheritance to the plaintiff would have been received but for the defendant's interference; and

Fifth, that the plaintiff suffered damages as a result of the loss of the inheritance.

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. On the other hand, 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.