

Index

ACCOUNT STATED

Actions for

- Costs, § 5:10
- Damages, § 5:12
- Defenses, § 5:8
- Discovery, § 5:9
- Elements, § 5:2
- Evidence, § 5:11
- Instructions, § 5:13
- Jurisdiction, § 5:3
- Overview, § 5:1
- Parties, § 5:6
- Pleading, § 5:7
- Proof of account, § 5:10
- References, § 5:14
- Statute of limitations, § 5:5
- Venue, § 5:4

- Costs, § 5:10
- Damages, § 5:12
- Defenses, § 5:8
- Discovery, § 5:9
- Evidence, § 5:11
- Instructions, § 5:13
- Jurisdiction, § 5:3
- Parties, § 5:6
- Pleading, § 5:7
- Proof of account, § 5:10
- References, § 5:14
- Statute of limitations, § 5:5
- Venue, § 5:4

ACCOUNTS AND ACCOUNTING

Action

- Elements, § 22:2
- Statute of limitations, § 22:5

Actions on account

- Costs, § 4:10
- Damages
 - Generally, § 4:12
 - Instructions, § 4:13
 - Petition, § 4:15
- Defenses, § 4:8

ACCOUNTS AND ACCOUNTING—Cont'd

Actions on account—Cont'd

Discovery, § 4:9

Elements, § 4:2

Evidence, § 4:11

Forms, § 4:15

Instructions, § 4:13

Jurisdiction, § 4:3

Limitations, § 4:5

Overview, § 4:1

Parties, § 4:6

Pleading, § 4:7

References, § 4:14

Venue, § 4:4

Burden of proof, § 22:10

Damages and other relief, §§ 22:12, 22:14

Defenses, § 22:8

Discovery, § 22:9

Equitable, § 22:13

Evidence, § 22:11

Forms, §§ 22:14, 22:15

Interlocutory order, § 22:15

Jurisdiction, § 22:3

Law and practice notes, § 22:10

Overview, § 22:1

Parties, § 22:6

Petitions, § 22:14

Pleading, § 22:7

References, § 22:13

Special master and commissioner, § 22:15

Statute of limitations, § 22:5

Venue, § 22:4

ADEQUATE REMEDY AT LAW

Declaratory judgment, § 31:8

Equity proceedings, § 23:8

Injunction defense, § 24:9

Specific performance, § 29:8

ADVERSE POSSESSION

Action

Elements, § 33:2

Statute of limitations, § 33:5

Burden of proof, § 33:11

Damages, § 33:12

Defenses, § 33:8

Discovery, § 33:9

Ejectment, § 34:10

Evidence, § 33:11

INDEX

ADVERSE POSSESSION—Cont'd

- Instructions, § 33:13
- Judgments, § 33:14
- Jurisdiction, § 33:3
- Law and practice, § 33:10
- Overview, § 33:1
- Parties, § 33:6
- Pleadings, § 33:7
- References, § 33:15
- Statute of limitations, § 33:5
- Venue, § 33:4

ALTERATION OR MODIFICATION

- Parol evidence rule, § 1:9
- Statute of frauds, § 2:1

AMBIGUITY

- Disagreement, § 1:10
- Parol evidence rule, § 1:10

APPEAL AND ERROR

- Arbitration, § 6:10
- Equity practice, § 23:19

ARBITRATION AND AWARD

- Actions
 - Elements, § 6:2
 - Statute of limitations, § 6:5
- Agreement, §§ 6:2, 6:10
- Appellate proceedings, § 6:10
- Arbitrators, § 6:13
- Awards
 - Conclusiveness, § 6:11
 - Confirmation, §§ 6:2, 6:5, 6:15
 - Modification, §§ 6:2, 6:5
 - Motions, §§ 6:7, 6:15, 6:16
 - Statute of limitations, § 6:5
 - Vacation, §§ 6:2, 6:5, 6:16
 - Written, § 6:10
- Conditions precedent, § 6:8
- Confirm arbitrator's award, motion, § 6:15
- Defenses, § 6:8
- Discovery, § 6:9
- Evidence, § 6:11
- Forms, §§ 6:15, 6:16
- Judicial review, § 6:10
- Jurisdiction, § 6:3
- Motions, §§ 6:15, 6:16
- Overview, § 6:1
- Parties, § 6:6

ARBITRATION AND AWARD—Cont'd

- Pleadings, § 6:7
- References, § 6:14
- Relief, § 6:12
- Statute of limitations, § 6:5
- Stay
 - Generally, § 6:2
 - Motions, § 6:7
 - Order, § 6:10
- Tort claims, § 6:2
- Trial, § 6:10
- Uniform Arbitration Act, § 6:2
- Vacate or amend award, motion to, § 6:16
- Venue, § 6:4

ATTORNEYS' FEES

- Actions on account, § 4:12
- Bills, § 8:12
- Breach of warranty, § 9:12
- Brokerage commission agreement, § 16:12
- Cancellation of instruments, § 20:10
- Constructive trust, § 21:10
- Covenant not to compete, § 11:12
- Declaratory judgment, § 31:12
- Equitable accounting, § 22:12
- Equity proceedings, § 23:9
- Express contract, breach of, § 12:12
- Guaranty, § 13:12
- Indemnity, § 41:12
- Injunction, § 24:13
- Insurance
 - Carrier's refusal to defend, §§ 15:11, 15:12
 - Contracts, § 14:12
 - Vexatious refusal to pay insurance claim, §§ 32:10, 32:12
- Interpleader, § 25:12
- Notes, § 8:12
- Partition, §§ 37:10, 37:12
- Quantum meruit, § 43:10
- Quiet title, § 39:10
- Real estate listings, § 16:12
- Reformation of instruments, §§ 26:10, 26:12
- Rescission, §§ 27:10, 27:12
- Resultant trust, § 28:10
- Sale of land, § 18:12
- Specific performance, § 29:12
- Vexatious refusal to pay insurance claim, §§ 32:10, 32:12

INDEX

BAILMENT

Action

Elements, § 7:2

Statute of limitations, § 7:5

Automobiles, § 7:10

Bailees, warehousemen, § 7:10

Breach of contract theory, § 7:2

Burden of proof, § 7:10

Buyer-lessee, § 7:10

Consignees, § 7:10

Conversion action arising out of, §§ 7:4, 7:10

Damages, § 7:12

Defenses, § 7:8

Discovery, § 7:9

Evidence, § 7:11

Forms, § 7:15

Fraudulent transfers, § 7:10

Gratuitous, § 7:2

Instructions, § 7:13

Jurisdiction, § 7:3

Jury questions, § 7:10

Law and practice notes, § 7:10

Motor vehicles, § 7:10

Mutual benefit, § 7:2

Negligence theory, §§ 7:2, 7:10

Overview, § 7:1

Parties, § 7:6

Petitions, generally, § 7:15

Pleading, § 7:7

References, § 7:14

Remedies, § 7:10

Replevin actions, § 7:10

Safe deposit box, § 7:10

Statute of limitations, § 7:5

Termination, § 7:10

Venue, § 7:4

Warehousemen, § 7:10

BILLS AND NOTES

Actions

Elements, § 8:2

Statute of limitations, § 8:5

Business records, § 8:11

Damages, § 8:12

Defenses, § 8:8

Discovery, § 8:9

Evidence, § 8:11

Forms, § 8:15

BILLS AND NOTES—Cont'd

- Instructions, § 8:13
- Jurisdiction, § 8:3
- Negotiability, § 8:2
- Overview, § 8:1
- Parties, § 8:6
- Pleadings, § 8:7
- References, § 8:14
- Statute of limitations, § 8:5
- Trial practice, § 8:10
- Venue, § 8:4

BREACH OF WARRANTY

- Warranties, this index

BROKERAGE COMMISSION AGREEMENT

- Action
 - Elements, § 16:2
 - Statute of limitations, § 16:5
- Damages, § 16:12
- Defenses, § 16:8
- Discovery, § 16:9
- Evidence, § 16:11
- Forms, § 16:15
- Instructions, § 16:13
- Jurisdiction, § 16:3
- Overview, § 16:1
- Parties, § 16:6
- Petition, §§ 16:7, 16:15
- Pleading, § 16:7
- References, § 16:14
- Statute of limitations, § 16:5
- Trial practice, § 16:10
- Venue, § 16:4

BUSINESS

- Merchants, Uniform Commercial Code definition, § 3:2

CANCELLATION OF INSTRUMENTS

- Burden of proof, § 20:8
- Damages, § 20:10
- Deed, § 20:9
- Defenses, § 20:7
- Evidence, § 20:9
- Forms, § 20:12
- Grounds, § 20:8
- Jurisdiction, § 20:2
- Law and practice, § 20:8
- Lis pendens, § 20:8
- Overview, § 20:1

INDEX

CANCELLATION OF INSTRUMENTS—Cont'd

- Parties, § 20:5
- Petition, § 20:12
- Pleadings, § 20:6
- References, § 20:11
- Statute of limitations, § 20:4
- Venue, § 20:3

CLEAN HANDS DOCTRINE

- Equity proceedings, § 23:7
- Prescriptive easements, § 38:8
- Unjust enrichment, § 44:6

COMMERCIAL RECEIVERSHIP ACT

- Equitable accounting, § 22:13
- Partition sale, § 37:1

COMPENSATION AND LIABILITY ACT

- Assignment of wages, § 2:3

COMPETITION

- Covenant not to compete
 - Action
 - Elements, § 11:2
 - Statute of limitations, § 11:5
 - Burden of proof, § 11:10
 - Consideration, § 11:2
 - Damages, § 11:12
 - Defenses, § 11:8
 - Discovery, § 11:9
 - Estoppel, § 11:2
 - Evidence, § 11:11
 - Forms, §§ 11:15 to 11:18
 - Instructions, § 11:13
 - Interrogatories, § 11:16
 - Joinder, § 11:7
 - Jurisdiction, § 11:3
 - Nonsolicitation agreements, § 11:2
 - Overview, § 11:1
 - Parties, § 11:6
 - Petition, §§ 11:7, 11:15
 - Pleading, § 11:7
 - Production of documents
 - Discovery, § 11:9
 - Form, § 11:17
 - Protective order, § 11:18
 - Reasonableness, § 11:2
 - References, § 11:14
 - Relief, § 11:12
 - Specific performance, § 29:1

COMPETITION—Cont'd

Covenant not to compete—Cont'd

Statute of limitations, § 11:5

Trial practice, § 11:10

Validity, § 11:2

Venue, § 11:4

Waiver, § 11:2

COMPROMISE OR SETTLEMENT

Action

Elements, § 10:2

Statute of limitations, § 10:5

Attorney and client, authority, § 10:10

Burden of proof, § 10:10

Construction, § 10:10

Damages, § 10:12

Defenses, § 10:8

Discovery, § 10:9

Evidence, § 10:11

Existence, § 10:10

Forms, § 10:15

Instructions, § 10:13

Jurisdiction, § 10:3

Motion to enforce, §§ 10:7, 10:15

Overview, § 10:1

Parties, § 10:6

Pleading, § 10:7

References, § 10:14

Rescission, § 10:10

Statute of limitations, § 10:5

Trial practice, § 10:10

Validity, § 10:10

Venue, § 10:4

CONSIGNEES

Bailment, § 7:10

CONSTRUCTION AND INTERPRETATION

Compromise or settlement, § 10:10

Vexatious refusal to pay insurance claim, § 32:10

CONSTRUCTIVE TRUSTS

Action

Elements, § 21:2

Statute of limitations, § 21:5

Damages, § 21:12

Defenses, § 21:8

Discovery, § 21:9

Evidence, § 21:11

Forms, § 21:15

INDEX

CONSTRUCTIVE TRUSTS—Cont'd

- Judgment, §§ 21:13, 21:16
- Jurisdiction, § 21:3
- Law and practice notes, § 21:10
- Lis pendens, § 21:10
- Oral, § 21:10
- Overview, § 21:1
- Parties, § 21:6
- Petition, § 21:15
- Pleading, § 21:7
- References, § 21:14
- Resultant trust, § 28:10
- Statute of limitations, § 21:5
- Unjust enrichment actions, §§ 44:1, 44:10
- Venue, § 21:4

CONVEYANCES

- Deeds and Conveyances, this index

COST OR EXPENSE

- Actions for account stated, § 5:10
- Declaratory judgment, § 31:12
- Equity, § 23:10
- Indemnity, § 41:12
- Interpleader, § 25:12
- Money had and received, § 42:10
- Partition, § 37:12
- Quiet title, §§ 39:10, 39:12
- Replevin, § 40:10
- Specific performance, §§ 29:10, 29:12

COVENANT NOT TO COMPETE

- Competition, this index

CREDIT OR CREDIT SALES

- Agreements, § 2:4
- Inquiries, § 2:4

CUSTODIA LEGIS

- Generally, § 40:10

DAMAGES

- Actions for account stated, § 5:12
- Actions on account, §§ 4:12, 4:13
- Adverse possession, § 33:12
- Bailment, § 7:12
- Bills, § 8:12
- Breach of warranty, § 9:12
- Brokerage commission agreement, § 16:12
- Cancellation of instruments, § 20:10
- Compromise and settlement, § 10:12

DAMAGES—Cont'd

- Consequential, § 9:12
- Constructive trust, § 21:12
- Covenant not to compete, § 11:12
- Ejectment, § 34:12
- Eminent domain, § 35:13
- Equitable accounting, §§ 22:12, 22:14
- Guaranty, § 13:12
- Incidental, § 9:12
- Injunctions, § 24:13
- Insurance
 - Contracts, § 14:12
 - Refusal to defend, § 15:12
 - Vexatious refusal to pay insurance claim, § 32:12
- Inverse condemnation, § 36:12
- Money had and received, § 42:12
- Partition, § 37:12
- Petitions, § 4:15
- Prescriptive easements, § 38:12
- Punitive damages, § 9:12
- Quantum meruit, § 43:12
- Quiet title, § 39:12
- Real estate, listings, § 16:12
- Reasonableness, § 4:12
- Reformation of instruments, § 26:12
- Replevin, § 40:12
- Rescission, § 27:12
- Sales
 - Goods, sale of, § 17:12
 - Land, sale of, § 18:12
- Specific performance, § 29:12
- Uninsured and underinsured motor vehicles, § 19:12
- Unjust enrichment, § 44:12
- Vexatious refusal to pay insurance claim, § 32:12

DECEIT

- Fraud and Deceit, this index

DECLARATORY JUDGMENTS

- Action
 - Elements, § 31:2
 - Joinder, § 31:7
 - Statute of limitations, § 31:5
- Burden of proof, § 31:10
- Damages, § 31:12
- Defenses, § 31:8
- Discovery, § 31:9
- Evidence, § 31:11

INDEX

DECLARATORY JUDGMENTS—Cont'd

- Forms, § 31:15
- Instructions, § 31:13
- Jurisdiction, § 31:3
- Motion for dismissal, § 31:7
- Overview, § 31:1
- Parties, § 31:6
- Petitions, §§ 31:7, 31:15
- Pleading, § 31:7
- References, § 31:14
- Statute of limitations, § 31:5
- Stay, § 31:10
- Trial practice, § 31:10
- Venue, § 31:4

DEEDS AND CONVEYANCES

- Cancellation, § 20:9
- Easement, § 38:1
- Reformation, § 26:2
- Specific performance, § 29:1

DEFENSES

- Actions for account stated, § 5:8
- Actions on account, § 4:8
- Adverse possession, § 33:8
- Affirmative defense
 - Actions on account, § 4:8
 - Breach of warranty, § 9:7
 - Burden of proof, § 5:8
 - Cancellation of instruments, § 20:7
 - Discovery, § 27:9
 - Express contract, breach of, § 12:13
 - Guaranty, § 13:13
 - Instructions, § 5:13
 - Insurance contracts, §§ 14:8, 14:13
 - Prescriptive easements, § 38:7
 - Quantum meruit, § 43:13
 - Rescission, § 27:8
 - Resultant trust, § 28:8
 - Statute of frauds, § 2:7
 - Statute of limitations, § 4:5
- Bailment, § 7:8
- Bills, § 8:8
- Breach of warranty, § 9:8
- Cancellation of instruments, § 20:7
- Constructive trust, § 21:8
- Covenant not to compete, § 11:8
- Ejectment, § 34:8

DEFENSES—Cont'd

Eminent domain, § 35:9

Equity

Generally, § 10:8

Accounting as equitable, § 22:8

Express contract, breach of, § 12:8

Indemnity, § 41:8

Injunction, § 24:9

Instructions to jury, § 44:13

Insurance

Contracts, § 14:8

Refusal by insurance carrier to defend, § 15:8

Vexatious refusal to pay insurance claim, § 32:8

Interpleader, § 25:8

Inverse condemnation, § 36:8

Money had and received, § 42:8

Prescriptive easements, § 38:8

Quantum meruit, § 43:8

Quiet title, § 39:8

Real estate listing, § 16:8

Reformation of instruments, § 26:8

Replevin, § 40:8

Rescission, § 27:8

Resultant trust, § 28:8

Sales

Goods, § 17:8

Land, § 18:8

Specific performance, § 29:8

Subrogation, § 30:8

Uninsured and underinsured motor vehicles, § 19:8

Vexatious refusal to pay insurance claim, § 32:8

DELAY

Laches or Delay, this index

DEMAND OR REQUEST

Form, request for production of documents, §§ 12:17, 14:16

DISCOVERY

Actions for account stated, § 5:9

Actions on account, § 4:9

Arbitration, § 6:9

Bailment, § 7:9

Bills, § 8:9

Breach of warranty, § 9:9

Compromise and settlement, § 10:9

Constructive trust, § 21:9

Covenant not to compete, § 11:9

Declaratory judgment, § 31:9

INDEX

DISCOVERY—Cont'd

- Eminent domain, § 35:10
- Equitable accounting, § 22:9
- Express contract, breach of, § 12:9
- Indemnity, § 41:9
- Injunction, § 24:10
- Insurance
 - Carrier refusal to defend, § 15:9
 - Contracts, § 14:9
 - Vexatious refusal to pay insurance claim, § 32:9
- Interpleader, § 25:9
- Inverse condemnation, § 36:9
- Money had and received, § 42:9
- Notes, § 8:9
- Partition, § 37:9
- Prescriptive easements, § 38:9
- Quantum meruit, § 43:9
- Quiet title, § 39:9
- Real estate listing, § 16:9
- Reformation of instruments, § 26:9
- Replevin, § 40:9
- Resultant trust, § 28:9
- Sales
 - Goods, § 17:9
 - Land, § 18:9
- Specific performance, § 29:9
- Subrogation, § 30:9
- Uninsured and underinsured motor vehicles, § 19:9
- Unjust enrichment, § 44:9
- Vexatious refusal to pay insurance claim, § 32:9

EASEMENTS

- Prescriptive Easements, this index

EJECTMENT

- Action
 - Elements, § 34:2
 - Statute of limitations, § 34:5
- Adverse possession, § 34:10
- Damages, § 34:12
- Defenses, § 34:8
- Discovery, § 34:9
- Evidence, § 34:11
- Instructions, § 34:13
- Judgment, § 34:14
- Jurisdiction, § 34:3
- Law and practice, § 34:10
- Overview, § 34:1

EJECTMENT—Cont'd

- Parties, § 34:6
- Pleading, § 34:7
- References, § 34:15
- Statute of limitations, § 34:5
- Venue, § 34:4

EMINENT DOMAIN

- Action
 - Elements, § 35:3
 - Statute of limitations, § 35:6
- Burden of proof, §§ 35:11, 35:14
- Commissioners, report of, § 35:2
- Damages, § 35:13
- Defenses, § 35:9
- Discovery, § 35:10
- Evidence, § 35:12
- Exceptions, § 35:17
- Forms, §§ 35:16, 35:17
- Hearings, § 35:2
- Instructions, § 35:14
- Jurisdiction, § 35:4
- Motion to dismiss, § 35:16
- Overview, § 35:1
- Parties, § 35:7
- Petition, § 35:2
- Pleading, § 35:8
- Procedural outline, § 35:2
- References, § 35:15
- Statute of limitations, § 35:6
- Trial practice, § 35:11

EQUITY

- Generally, § 23:2
- Accounting, § 22:13
- Adequate remedy at law, § 23:8
- Appellate court review, § 23:19
- Attorney fees, § 23:9
- Clean Hands Doctrine, this index
- Clean-up doctrine, § 23:13
- Courts
 - Case notes, court-tried, § 23:15
 - Costs, § 23:10
- Decrees, § 23:14
- Defenses, §§ 23:6, 23:7
- Equitable title, § 23:18
- Evidence notes, § 23:12

INDEX

EQUITY—Cont'd

- Express contract
 - Generally, § 12:1 et seq.
 - Affirmative defense clauses, § 12:16
 - Elements of the action, § 12:2
 - Oral contract, petition for breach of, § 12:15
 - Production of documents, request for, § 12:17
 - References, § 12:14
- Injunctions, this index
- Interest awards in equity, § 23:16
- Jurisdiction, § 23:5
- Jury trial, § 23:3
- Liens, § 23:11
- Limitation of actions, § 23:6
- Maxims, § 23:7
- Overview, § 23:1
- Pleading notes, § 23:4
- Specific Performance, this index
- Statute of limitations, § 23:6
- Surveys, court-ordered, § 23:17

ESTOPPEL AND WAIVER

- Covenant not to compete, § 11:2
- Declaratory judgment, § 31:8
- Insurance contract, § 14:2
- Leases, § 3:2
- Partition, § 37:8
- Statute of frauds, § 2:8

EVIDENCE

- Actions for account stated, § 5:11
- Actions on account, § 4:11
- Arbitration and awards, § 6:11
- Bailment, § 7:11
- Breach of warranty, § 9:11
- Brokerage commission agreement, § 16:11
- Cancellation of instruments, § 20:9
- Compromise and settlement, § 10:11
- Constructive trust, § 21:11
- Eminent domain, § 35:12
- Equitable accounting, § 22:11
- Express contract, breach of, § 12:11
- Guaranty, § 13:11
- Indemnity, § 41:11
- Injunction, § 24:12
- Insurance
 - Carrier refusal to defend, § 15:11
 - Contracts, § 14:11

EVIDENCE—Cont'd

Insurance—Cont'd

Vexatious refusal to pay insurance claim, §§ 32:10, 32:11

Interpleader, § 25:11

Inverse condemnation, § 36:11

Money had and received, § 42:11

Oral, § 2:10

Parol Evidence, this index

Partition, § 37:11

Prescriptive easements, § 38:11

Presumptions and Burden of Proof, this index

Quantum meruit, § 43:11

Quiet title, § 39:11

Real estate listings, § 16:11

Reformation of instruments, § 26:11

Replevin, § 40:11

Rescission, § 27:11

Resultant trust, § 28:11

Sales

Goods, § 17:11

Land, § 18:11

Specific performance, § 29:11

Subrogation, § 30:11

Uninsured and underinsured motor vehicles, § 19:11

Unjust enrichment actions, § 44:11

Varying or contradicting writings, § 1:4

Vexatious refusal to pay insurance claim, §§ 32:10, 32:11

EXPENSE

Cost or Expense, this index

EXPRESS CONTRACTS

Trial practice, § 12:10

FAIR MARKET VALUE

Market Value, this index

FEES AND CHARGES

Attorneys' Fees, this index

FIDUCIARIES OR REPRESENTATIVES

Statute of frauds, fiduciary relationships, § 2:8

FRAUD AND DECEIT

Arbitration and awards, § 6:8

Parol evidence applicability, § 1:5

FRAUDS, STATUTE OF

Statute of Frauds, this index

FRAUDULENT TRANSFERS

Bailment, § 7:10

INDEX

GOODS AND MERCHANDISE

- Lease, § 3:2
- Uniform Commercial Code definition, § 3:1

GUARANTY

- Action
 - Account liability, guarantors, § 4:10
 - Elements, § 13:2
 - Nature, § 13:1
 - Statute of limitations, § 13:5
- Continuing, § 13:2
- Damages, § 13:12
- Debt, § 13:2
- Defenses, § 13:8
- Discovery, § 13:9
- Evidence, § 13:11
- Forms, § 13:15
- Instructions, §§ 13:13, 13:15
- Jurisdiction, § 13:3
- Parties, § 13:6
- Petition, §§ 13:7, 13:15
- Pleading, § 13:7
- References, § 13:14
- Statute of limitations, § 13:5
- Trial practice, § 13:10
- Venue, § 13:4

INDEMNITY

- Action
 - Elements, § 41:2
 - Statute of limitations, § 41:5
- Contractual petition, § 41:16
- Cross-claim in tort action, § 41:15
- Damages, § 41:12
- Defenses, § 41:8
- Discovery, § 41:9
- Evidence, § 41:11
- Forms, §§ 41:15, 41:16
- Instructions, § 41:13
- Jurisdiction, § 41:3
- Law and practice, § 41:10
- Overview, § 41:1
- Parties, § 41:6
- Petition, §§ 41:7, 41:16
- Pleading, § 41:7
- References, § 41:14
- Statute of limitations, § 41:5
- Venue, § 41:4

INJUNCTIONS

Generally, § 23:2

Action

Elements, § 24:2

Phases, § 24:3

Statute of limitations, § 24:6

Affidavit of notice, § 24:15

Damages, § 24:13

Defenses, § 24:9

Discovery, § 24:10

Evidence, § 24:12

Forms, §§ 24:15 to 24:17

Jurisdiction, § 24:4

Overview, § 24:1

Parties, § 24:7

Permanent, §§ 24:11, 24:17

Pleading, § 24:8

Preliminary injunctions, § 24:8

References, § 24:14

Statute of limitations, § 24:6

Temporary restraining orders, §§ 24:8, 24:16

Trial practice, § 24:11

Venue, § 24:5

INSTRUCTIONS TO JURY

Actions for account stated, § 5:13

Actions on account, § 4:13

Adverse possession, § 33:13

Bailment, § 7:13

Brokerage commission agreement, § 16:13

Common law claims, § 9:13

Compromise and settlement, § 10:13

Covenant not to compete, § 11:13

Declaratory judgment, § 31:13

Ejectment, § 34:13

Express contract, breach of, § 12:13

Guaranty, §§ 13:13, 13:15

Indemnity, § 41:13

Insurance

Contracts, § 14:13

Refusal of insurance carrier to defend, § 15:13

Vexatious refusal to pay insurance claim, § 32:13

Inverse condemnation, § 36:13

Money had and received, § 42:13

Prescriptive easements, § 38:13

Quantum meruit, § 43:13

Quiet title, § 39:13

Real estate listing, § 16:13

INDEX

INSTRUCTIONS TO JURY—Cont'd

- Replevin, § 40:13
- Restitution and unjust enrichment, § 44:13
- Sales
 - Goods, § 17:13
 - Land, § 18:13
- Uniform Commercial Code claims, § 9:13
- Uninsured and underinsured motorist, § 19:13
- Vexatious refusal to pay insurance claim, § 32:13

INSURANCE

- Contracts
 - Action
 - Elements, § 14:2
 - Statute of limitations, § 14:5
 - Burden of proof, § 14:10
 - Damages, § 14:12
 - Defenses, § 14:8
 - Discovery, § 14:9
 - Estoppel, § 14:2
 - Evidence, § 14:11
 - Foreign insurance companies, § 14:3
 - Forms, § 14:15
 - Instructions, §§ 14:13, 14:15
 - Jurisdiction, § 14:3
 - Overview, § 14:1
 - Parties, § 14:6
 - Petition, §§ 14:7, 14:15
 - Pleading, § 14:7
 - Production of documents, request for, § 14:16
 - References, § 14:14
 - Statute of limitations, § 14:5
 - Trial practice, § 14:10
 - Venue, § 14:4
 - Waiver, § 14:2
- Refusal to defend
 - Action
 - Elements, § 15:2
 - Statute of limitations, § 15:5
 - Attorney fees, §§ 15:11, 15:12
 - Burden of proof, § 15:10
 - Damages, § 15:12
 - Defenses, § 15:8
 - Discovery, § 15:9
 - Duty, § 15:1
 - Evidence, § 15:11
 - Instructions, § 15:13
 - Jurisdiction, § 15:3

INSURANCE—Cont'd

Refusal to defend—Cont'd

Law and practice, § 15:10

Overview, § 15:1

Parties, § 15:6

Pleading, § 15:7

References, § 15:14

Rights, § 15:1

Statute of limitations, § 15:5

Venue, § 15:4

Vexatious refusal to pay claim

Action

Elements, § 32:2

Statute of limitations, § 32:5

Attorneys' fees, §§ 32:10, 32:12

Case law, § 32:10

Construction of governing statutes, § 32:10

Damages, § 32:12

Defenses, § 32:8

Discovery, § 32:9

Evidence, §§ 32:10, 32:11

Forms, § 32:15

Instructions, § 32:13

Jurisdiction, § 32:3

Law and practice, § 32:10

Overview, § 32:1

Parties, § 32:6

Petition, § 32:15

Pleading, § 32:7

Preemption of other tort actions, § 32:10

Reasonable and prudent person standard, § 32:10

References, § 32:14

Statute of limitations, § 32:5

Sufficiency of evidence, § 32:10

Time when payment refusal is determined to be vexatious, § 32:10

Uninsured and underinsured motor vehicles, § 19:9

Venue, § 32:4

INTEGRATED CONTRACTS OR WRITING

Generally, § 1:3

INTEREST AND USURY

Breach of warranty, § 9:12

Cancellation of instruments, § 20:10

Equity practice rules, § 23:16

Indemnity, § 41:12

Insurance contracts, § 14:12

Interpleader, § 25:12

Quantum meruit, § 43:12

INDEX

INTEREST AND USURY—Cont'd

Vexatious refusal to pay insurance claim, § 32:12

INTERLOCUTORY ORDER

Equitable accounting, § 22:15

INTERPLEADER

Action

Elements, § 25:2

Statute of limitations, § 25:5

Defenses, § 25:8

Discovery, § 25:9

Evidence, § 25:11

Forms, §§ 25:15, 25:16

Instructions, § 25:13

Jurisdiction, § 25:3

Order discharging plaintiff, § 25:16

Overview, § 25:1

Parties, § 25:6

Petition, §§ 25:7, 25:15

Pleading, § 25:7

References, § 25:14

Relief, § 25:12

Statute of limitations, § 25:5

Trial practice, § 25:10

Venue, § 25:4

INVERSE CONDEMNATION

Action

Elements, § 36:2

Statute of limitations, § 36:5

Burden of proof, §§ 36:10, 36:13

Damages, § 36:12

Defenses, § 36:8

Discovery, § 36:9

Evidence, § 36:11

Forms, § 36:15

Instructions, § 36:13

Jurisdiction, § 36:3

Overview, § 36:1

Parties, § 36:6

Petition, §§ 36:7, 36:15

Pleading, § 36:7

References, § 36:14

Statute of limitations, § 36:5

Trial practice, § 36:10

Venue, § 36:4

JUDGMENTS OR DECREES

Adverse possession, § 33:14

JUDGMENTS OR DECREES—Cont'd

- Constructive trusts, §§ 21:13, 21:16
- Declaratory Judgments, this index
- Ejectment, § 34:14
- Partition, §§ 37:10, 37:13
- Prescriptive easements, § 38:14
- Quiet title, §§ 39:10, 39:16, 39:17
- Reformation, § 26:13
- Replevin, § 40:14

JURISDICTION

- Account, actions on, § 4:3
- Account stated, actions for, § 5:3
- Adverse possession, § 33:3
- Arbitration and awards, § 6:3
- Bailment, § 7:3
- Bills, § 8:3
- Brokerage commission agreement, § 16:4
- Cancellation of instruments, § 20:2
- Compromise and settlement, § 10:3
- Constructive trust, § 21:3
- Covenant not to compete, § 11:3
- Declaratory judgments, § 31:3
- Ejectment, § 34:3
- Eminent domain, § 35:4
- Equitable accounting, § 22:3
- Equity proceedings, § 23:5
- Express contract, breach of, § 12:3
- Guaranty, § 13:3
- Indemnity, § 41:3
- Injunctions, § 24:4
- Insurance
 - Contract, § 14:3
 - Refusal to defend, insurance carrier, § 15:3
 - Vexatious refusal to pay insurance claim, § 32:3
- Interpleader, § 25:3
- Inverse condemnation, § 36:3
- Long Arm Statutes, this index
- Money had and received, § 42:3
- Notes, § 8:3
- Partition, § 37:3
- Personal jurisdiction
 - Actions on account, § 4:3
 - Adverse possession, § 33:3
 - Arbitration, § 6:3
 - Bills, § 8:3
 - Breach of warranty, § 9:3
 - Cancellation of instruments, § 20:2

INDEX

JURISDICTION—Cont'd

Personal jurisdiction—Cont'd

- Compromise and settlement, § 10:3
 - Constructive trust, § 21:3
 - Covenant not to compete, § 11:3
 - Declaratory judgment, § 31:3
 - Ejectment, § 34:3
 - Eminent domain, § 35:4
 - Equitable accounting, § 22:3
 - Express contract, breach of, § 12:3
 - Guaranty, § 13:3
 - Indemnity, § 41:3
 - Injunction, § 24:4
 - Insurance carrier refusal to defend, § 15:3
 - Insurance contracts, § 14:3
 - Interpleader, § 25:3
 - Inverse condemnation, § 36:3
 - Money had and received, § 42:3
 - Notes, § 8:3
 - Partition, § 37:3
 - Prescriptive easements, § 38:3
 - Quantum meruit, § 43:3
 - Quiet title, § 39:3
 - Real estate listing, § 16:3
 - Reformation of instruments, § 26:3
 - Replevin, § 40:3
 - Rescission, § 27:3
 - Resultant trust, § 28:3
 - Sale of goods, § 17:3
 - Sale of land, § 18:3
 - Subrogation, § 30:3
 - Uninsured and underinsured motor vehicles, § 19:3
 - Unjust enrichment, § 44:3
 - Vexatious refusal to pay insurance claim, § 32:3
- Prescriptive easements, § 38:3
- Quantum meruit, § 43:3
- Quiet title, § 39:3
- Real estate listing, § 16:3
- Reformation of instruments, § 26:3
- Replevin, § 40:3
- Rescission, § 27:3
- Resultant trust, § 28:3
- Sales
- Goods, § 17:3
 - Land, § 18:3
- Subject Matter Jurisdiction, this index
- Subrogation, § 30:3

JURISDICTION—Cont'd

- Uninsured and underinsured motor vehicles, § 19:3
- Unjust enrichment, § 44:3
- Venue, § 35:5
- Vexatious refusal to pay insurance claim, § 32:3

JURY AND JURY TRIAL

- Bailment, § 7:10
- Covenant not to compete, § 11:10
- Declaratory judgments, § 31:10
- Eminent domain, § 35:2
- Equity proceedings, § 23:3
- Injunction, § 24:11
- Instructions to Jury, this index
- Interpleader, § 25:10
- Oral contract determinations, § 2:9
- Partition, § 37:10
- Prescriptive easements, § 38:1
- Quiet title, § 39:10
- Reformation of instruments, § 26:10
- Rescission, § 27:10
- Resultant trust, § 28:10
- Specific performance, §§ 29:1, 29:10

LACHES OR DELAY

- Declaratory judgment, § 31:8
- Equity proceedings, § 23:7
- Prescriptive easements, § 38:8
- Resultant trust, § 28:8
- Specific performance, § 29:8

LATENT AMBIGUITIES

- Generally, § 1:10

LEASES OF GOODS

- Generally, § 3:2

LEASES OF REAL ESTATE

- Assignment, § 2:5

LIMITATION OF ACTIONS

- Actions for account stated, § 5:5
- Adverse possession, § 33:5
- Affirmative defense, § 4:5
- Arbitration, § 6:5
- Bailment, § 7:5
- Brokerage commission agreement, § 16:5
- Cancellation of instruments, § 20:4
- Compromise and settlement actions, § 10:5
- Constructive trust, § 21:5
- Covenant not to compete, § 11:5

INDEX

LIMITATION OF ACTIONS—Cont'd

- Declaratory judgment, § 31:5
- Eminent domain, § 35:6
- Equitable accounting, § 22:5
- Equity proceedings, § 23:6
- Express contract, breach of, § 12:5
- Guaranty, § 13:5
- Indemnity, § 41:5
- Insurance contracts, § 14:5
- Interpleader, § 25:5
- Inverse condemnation, § 36:5
- Money had and received, § 42:5
- Partition, § 37:5
- Pleadings, § 37:7
- Prescriptive easements, § 38:5
- Quantum meruit, § 43:5
- Quiet title, § 39:5
- Real actions listing, § 16:5
- Replevin, § 40:5
- Rescission, § 27:5
- Resultant trust, § 28:5
- Sales
 - Goods, § 17:5
 - Land, § 18:5
- Specific performance, § 29:5
- Subrogation, § 30:5
- Uniform Commercial Code, § 3:4
- Uninsured and underinsured motor vehicles, § 19:5
- Unjust enrichment, § 44:5
- Vexatious refusal to pay insurance claim, § 32:5

LIS PENDENS

- Cancellation of instruments, § 20:8
- Constructive trust, § 21:10
- Partition, § 37:10
- Quiet title, § 39:10
- Reformation of instruments, § 26:10
- Rescission, § 27:10
- Resultant trust, § 28:10
- Specific performance, § 29:10

LONG ARM STATUTES

- Actions on account, § 4:3
- Breach of warranty, § 9:3
- Express contract, breach of, § 12:3
- Guaranty, § 13:3
- Indemnity, § 41:3
- Insurance contracts, § 14:3

MARKET VALUE

- Fair market value
 - Eminent domain, § 35:13
 - Inverse condemnation, § 36:12

MARKETABILITY OR MERCHANTABILITY

- Implied warranty, § 9:2

MEMORANDA OR NOTES

- Actions
 - Elements, § 8:2
 - Statute of limitations, § 8:5
- Business records, § 8:11
- Damages, § 8:12
- Defenses, § 8:8
- Demand, § 8:5
- Discovery, § 8:9
- Evidence, § 8:11
- Forms, § 8:15
- Instructions, § 8:13
- Jurisdiction, § 8:3
- Negotiability, § 8:2
- Parties, § 8:6
- Payable at definite time, § 8:5
- Pleadings, § 8:7
- References, § 8:14
- Statute of limitations, § 8:5
- Trial practice, § 8:10
- Venue, § 8:4

MISSOURI COMMERCIAL RECEIVERSHIP ACT

- Equitable accounting, § 22:13
- Partition sale, § 37:1

MISTAKE OR ERROR

- Generally, § 1:6
- Appeal and Error, this index
- Burden of proof, § 1:5
- Mutual Mistake, this index

MODIFICATIONS

- Alteration or Modification, this index

MONEY HAD AND RECEIVED

- Action
 - Elements, § 42:2
 - Statute of limitations, § 42:5
- Burden of proof, § 42:10
- Costs, § 42:10
- Damages, § 42:12

INDEX

MONEY HAD AND RECEIVED—Cont'd

- Defenses, § 42:8
- Discovery, § 42:9
- Evidence, § 42:11
- Forms, § 42:15
- Instructions, § 42:13
- Jurisdiction, § 42:3
- Law and practice, § 42:10
- Overview, § 42:1
- Parties, § 42:6
- Petition, § 42:15
- Pleading, § 42:7
- References, § 42:14
- Statute of limitations, § 42:5
- Venue, § 42:4

MOOT OR ABSTRACT QUESTIONS OR MATTERS

- Injunction defense, § 24:9

MUNICIPAL CORPORATIONS AND OTHER POLITICAL SUBDIVISIONS

- Contracts requirements, § 2:6

MUTUAL MISTAKE

- Reformation of instruments, §§ 26:7, 26:10
- Rescission, § 27:10
- Specific performance, § 29:8

NEGLIGENCE

- Bailment actions, §§ 7:2, 7:10

ORAL CONTRACT

- Petition for breach of express contract, § 12:15

ORAL EVIDENCE

- Parol Evidence, this index

ORAL LEASE

- Generally, § 2:5

PAROL ACTS AND MATTERS

- Contracts
 - Burden of proof, § 2:9
 - Pleading enforceable, § 2:7
- Evidence. Parol Evidence, this index

PAROL EVIDENCE

- Accident or erroneous omissions, § 1:7
- Ambiguity, § 1:10
- Arbitration, § 6:11
- Compromise and settlement, § 10:11
- Consideration, § 1:8
- Covenant not to compete, § 11:11

PAROL EVIDENCE—Cont'd

- Evidence varying or contradicting writings, § 1:4
- Express contract, breach of, § 12:11
- Fraud, § 1:5
- Guaranty, § 13:11
- Illegality, § 1:5
- Indemnity, § 41:11
- Insurance contracts, § 14:11
- Integrated or complete writings requirement, § 1:3
- Overview of, § 1:1
- Real estate listing, § 16:10
- References, § 1:11
- Reformation of instruments, § 26:11
- Resultant trust, § 28:11
- Sales, land, § 18:11
- Subsequent modifications, § 1:9
- Substantive law, § 1:2
- Uniform Commercial Code, § 3:3

PART PERFORMANCE

- Leases, § 3:2
- Uniform Commercial Code, § 3:2

PARTIES

- Account stated, § 5:6
- Accounts and accounting, § 22:6
- Actions on account, § 4:6
- Adverse possession, § 33:6
- Arbitration and award, § 6:6
- Bailment, § 7:6
- Bills and notes, § 8:6
- Brokerage commission agreement, § 16:6
- Cancellation, § 20:5
- Compromise or settlement, § 10:6
- Condemnation, inverse, § 36:6
- Constructive trust, § 21:6
- Covenant not to compete, § 11:6
- Declaratory judgments, § 31:6
- Easements, prescriptive easements, § 38:6
- Ejectment, § 34:6
- Eminent domain, § 35:7
- Express contract, breach of, § 12:6
- Guaranty, § 13:6
- Indemnity, § 41:6
- Injunctions, § 24:7
- Insurance, §§ 14:6, 15:6, 32:6
- Interpleader, § 25:6
- Inverse condemnation, § 36:6

INDEX

PARTIES—Cont'd

- Memoranda or notes, § 8:6
- Money had and received, § 42:6
- Partition, § 37:6
- Quantum meruit, § 43:6
- Quiet title, § 39:6
- Reformation, § 26:6
- Replevin, § 40:6
- Rescission, § 27:6
- Resulting trusts, § 28:6
- Sale or transfer of property
 - Goods, § 17:6
 - Land, § 18:6
- Specific performance, § 29:6
- Subrogation, § 30:6
- Uninsured and underinsured motorists, § 19:6
- Warranties, breach of warranty, § 9:6

PARTITION

- Action
 - Elements, § 37:2
 - Statute of limitations, § 37:5
- Burden of proof, § 37:11
- Damages, § 37:12
- Defenses, § 37:8
- Discovery, § 37:9
- Evidence, § 37:11
- Expenses, reimbursement, § 37:12
- Fees, § 37:12
- Forms, § 37:15
- Judgments, §§ 37:10, 37:13
- Jurisdiction, § 37:3
- Law and practice, § 37:10
- Lis pendens, § 37:10
- Overview, § 37:1
- Parties, § 37:6
- Petition, § 37:15
- Proceeds, § 37:12
- References, § 37:14
- Reimbursement, expenses, § 37:12
- Sales, § 37:10
- Statute of limitations, § 37:5
- Venue, § 37:4

PLEADINGS

- Actions for account stated, § 5:7
- Actions on account, § 4:7
- Adverse possession, § 33:7

PLEADINGS—Cont'd

- Affirmative defenses, § 2:7
- Arbitration and award, § 6:7
- Bailment, § 7:7
- Bills, § 8:7
- Cancellation of instruments, § 20:6
- Constructive trust, § 21:7
- Declaratory judgments, § 31:7
- Ejectment, § 34:7
- Eminent domain, § 35:8
- Equitable accounting, § 22:7
- Express contract, breach of, § 12:7
- Guaranty, § 13:7
- Indemnity, § 41:7
- Injunction, § 24:8
- Insurance contracts, § 14:7
- Inverse condemnation, § 36:7
- Limitation of actions, § 37:7
- Money had and received, § 42:7
- Prescriptive easements, § 38:7
- Quantum meruit, § 43:7
- Quiet title, § 39:7
- Real estate listing, § 16:7
- Reformation of instruments, § 26:7
- Replevin, § 40:7
- Rescission, § 27:7
- Resultant trust, § 28:7
- Sale of land, § 18:7
- Specific performance, § 29:7
- Subrogation, § 30:7
- Uninsured and underinsured motor vehicles, § 19:7
- Unjust enrichment, § 44:6
- Vexatious refusal to pay insurance claim, § 32:7

PREEMPTION AND PREEMPTIVE RIGHTS

- Vexatious refusal to pay claim, § 32:10

PRESCRIPTIVE EASEMENTS

- Action
 - Elements, § 38:2
 - Statute of limitations, § 38:5
- Burden of proof, § 38:10
- Damages, § 38:12
- Defenses, § 38:8
- Discovery, § 38:9
- Easements, this index
- Evidence, § 38:11
- Forms, § 38:16

INDEX

PRESCRIPTIVE EASEMENTS—Cont'd

- Instructions, § 38:13
- Judgment, § 38:14
- Jurisdiction, § 38:3
- Law and practice, § 38:10
- Overview, § 38:1
- Parties, § 38:6
- Pleading, § 38:7
- References, § 38:15
- Statute of limitations, § 38:5
- Venue, § 38:4

PRESUMPTIONS AND BURDEN OF PROOF

- Generally, § 4:11
- Actions for account stated, § 5:8
- Actions on account, §§ 4:8, 4:11
- Adverse possession, § 33:11
- Bailment, § 7:10
- Breach of warranty, § 9:10
- Cancellation of instruments, § 20:8
- Compromise and settlement, § 10:10
- Constructive trust, § 21:11
- Covenant not to compete, § 11:10
- Declaratory judgment, § 31:10
- Eminent domain, §§ 35:11, 35:14
- Equitable accounting, § 22:10
- Injunction, § 24:11
- Insurance carrier refusal to defend, § 15:10
- Insurance contracts, § 14:10
- Inverse condemnation, §§ 36:10, 36:13
- Money had and received, § 42:10
- Oral contract, § 2:9
- Partition, § 37:11
- Prescriptive easements, § 38:10
- Presumptions and Burden of Proof, this index
- Quantum meruit, § 43:10
- Quiet title, § 39:10
- Reformation of instruments, § 26:10
- Replevin, §§ 40:10, 40:11
- Resultant trust, § 28:11
- Specific performance, §§ 29:10, 29:11
- Subrogation, § 30:10
- Uninsured and underinsured motor vehicles, § 19:10
- Unjust enrichment, § 44:10

PROPERTY

- Adverse Possession, this index
- Ejectment, this index

PROPERTY—Cont'd

- Eminent Domain, this index
- Inverse Condemnation, this index
- Partition, this index
- Prescriptive Easements, this index
- Quiet Title, this index
- Real estate listings
 - Action
 - Elements, § 16:2
 - Statute of limitations, § 16:5
 - Damages, § 16:12
 - Defenses, § 16:8
 - Discovery, § 16:9
 - Evidence, § 16:11
 - Forms, § 16:15
 - Instructions, § 16:13
 - Jurisdiction, § 16:3
 - Overview, § 16:1
 - Parties, § 16:6
 - Petition, §§ 16:7, 16:15
 - Pleading, § 16:7
 - References, § 16:14
 - Statute of limitations, § 16:5
 - Trial practice, § 16:10
 - Venue, § 16:4
- Replevin, this index
- Sale or Transfer of Property, this index

QUANTUM MERUIT

- Action
 - Elements, § 43:2
 - Statute of limitations, § 43:5
- Burden of proof, § 43:10
- Damages, § 43:12
- Defenses, § 43:8
- Defined, § 43:1
- Discovery, § 43:9
- Evidence, § 43:11
- Forms, § 43:15
- Instructions, § 43:13
- Jurisdiction, § 43:3
- Law and practice, § 43:10
- Overview, § 43:1
- Parties, § 43:6
- Petition, § 43:15
- Pleading, § 43:7
- References, § 43:14
- Statute of limitations, § 43:5

INDEX

QUANTUM MERUIT—Cont'd

Unjust enrichment, § 43:1

Venue, § 43:4

QUIET TITLE

Action

Elements, § 39:2

Joinder, § 39:10

Statute of limitations, § 39:5

Burden of proof, § 39:10

Damages, § 39:12

Defenses, § 39:8

Discovery, § 39:9

Evidence, § 39:11

Examples, § 39:1

Forms, §§ 39:15 to 39:17

Instructions, § 39:13

Judgment, §§ 39:10, 39:17

Jurisdiction, § 39:3

Law and practice, § 39:10

Limitation of actions, § 39:5

Lis pendens, § 39:10

Order, § 39:16

Overview, § 39:1

Parties, § 39:6

Petitions, § 39:15

Pleading, § 39:7

Purpose, § 39:1

References, § 39:14

Venue, § 39:4

RECEIVERSHIP

Equitable accounting, § 22:13

Partition sale, § 37:1

REFORMATION OF INSTRUMENTS

Action

Elements, § 26:2

Statute of limitations, § 26:5

Burden of proof, § 26:10

Court-tried case law, § 26:10

Damages, § 26:12

Defenses, § 26:8

Discovery, § 26:9

Evidence, § 26:11

Forms, § 26:15

Judgments, orders, and decrees, § 26:13

Jurisdiction, § 26:3

Law and practice, § 26:10

REFORMATION OF INSTRUMENTS—Cont'd

- Lis pendens, § 26:10
- Mutual mistake, §§ 26:7, 26:10
- Overview, § 26:1
- Parties, § 26:6
- Petition, § 26:15
- Pleading, § 26:7
- References, § 26:14
- Statute of limitations, § 26:5
- Venue, § 26:4

REMEDIES

- Bailment, § 7:10

REPLEVIN

- Action
 - Elements, § 40:2
 - Statute of limitations, § 40:5
- Affidavits, §§ 40:7, 40:17
- Bailment, § 7:10
- Burden of proof, §§ 40:10, 40:11
- Costs, § 40:10
- Damages, § 40:12
- Defenses, § 40:8
- Discovery, § 40:9
- Evidence, § 40:11
- Forms, § 40:16
- Instructions, § 40:13
- Judgments and decrees, § 40:14
- Jurisdiction, § 40:3
- Law and practice, § 40:10
- Notice under Rule 99.05, § 40:18
- Order of delivery, § 40:19
- Overview, § 40:1
- Parties, § 40:6
- Petition, § 40:16
- Pleading, § 40:7
- Property subject to, § 40:1
- References, § 40:15
- Statute of limitations, § 40:5
- Venue, § 40:4

RESCISSION

- Action
 - Elements, § 27:2
 - Statute of limitations, § 27:5
- Breach of warranty, § 9:12
- Compromise and settlement, §§ 10:8, 10:10
- Damages, § 27:12

INDEX

RESCISSION—Cont'd

- Defenses, § 27:8
- Defined, § 27:1
- Discovery, § 27:8
- Equitable, § 27:1
- Evidence, § 27:11
- Express contract, breach of, § 12:12
- Jurisdiction, § 27:3
- Law and practice, § 27:10
- Legal, § 27:1
- Lis pendens, § 27:10
- Mutual mistake, § 27:10
- Overview, § 27:1
- Parties, § 27:6
- Pleadings, § 27:7
- Real estate listing, § 16:10
- References, § 27:13
- Remedies, § 27:10
- Sales, land, § 18:12
- Statute of limitations, § 27:5
- Venue, § 27:4

RESTITUTION AND UNJUST ENRICHMENT

- Action
 - Elements, § 44:2
 - Statute of limitations, § 44:5
- Burden of proof, § 44:10
- Constructive trust, §§ 44:1, 44:10
- Damages, § 44:12
- Defenses, §§ 44:8, 44:13
- Discovery, § 44:9
- Evidence, § 44:11
- Jurisdiction, § 44:3
- Law and practice, § 44:10
- Overview, § 44:1
- Parties, § 44:7
- Pleadings, § 44:6
- Purpose, § 44:10
- Quantum Meruit, this index
- References, § 44:14
- Statute of limitations, § 44:5
- Venue, § 44:4
- Witness as to value, § 44:11

RESULTING TRUSTS

- Action
 - Elements, § 28:2
 - Statute of limitations, § 28:5

RESULTING TRUSTS—Cont'd

- Burden of proof, § 28:11
- Constructive trust, § 28:10
- Damages, § 28:12
- Defenses, § 28:8
- Defined, § 28:10
- Discovery, § 28:9
- Evidence, § 28:11
- Jurisdiction, § 28:3
- Jury instructions, § 44:13
- Law and practice, § 28:10
- Lis pendens, § 28:10
- Overview, § 28:1
- Parties, § 28:6
- Pleading, § 28:7
- References, § 28:13
- Statute of limitations, § 28:5
- Venue, § 28:4

REVIEW

- Appeal and Error, this index

SAFE DEPOSIT BOX

- Bailment, § 7:10

SALE OR TRANSFER OF PROPERTY

Goods

Action

- Elements, § 17:2
- Joinder, § 17:8
- Statute of limitations, § 17:5
- Damages, § 17:12
- Defenses, § 17:8
- Discovery, § 17:9
- Evidence, § 17:11
- Forms, § 17:15
- Instructions, § 17:13
- Jurisdiction, § 17:3
- Overview, § 17:1
- Parties, § 17:6
- Petition, § 17:15
- Pleading, § 17:7
- References, § 17:14
- Statute of limitations, § 17:5
- Trial practice, § 17:10
- Venue, § 17:4

Land

Action

- Elements, § 18:2

INDEX

SALE OR TRANSFER OF PROPERTY—Cont'd

Land—Cont'd

Action—Cont'd

Statute of limitations, § 18:5

Damages, § 18:12

Defenses, § 18:8

Discovery, § 18:9

Evidence, § 18:11

Form, § 18:15

Instructions, § 18:13

Jurisdiction, § 18:3

Overview, § 18:1

Parties, § 18:6

Petition, §§ 18:8, 18:15

Pleading, § 18:7

References, § 18:14

Statute of limitations, § 18:5

Trial practice, § 18:10

Venue, § 18:4

SETTLEMENT

Compromise or Settlement, this index

SPECIAL MASTER AND COMMISSIONER

Equitable accounting, § 22:15

SPECIFIC PERFORMANCE

Action

Elements, § 29:2

Statute of limitations, § 29:5

Applications, § 29:1

Burden of proof, §§ 29:10, 29:11

Costs, §§ 29:10, 29:12

Damages, § 29:12

Decrees, § 29:13

Defenses, § 29:8

Discovery, § 29:9

Evidence, § 29:11

Filing, § 29:10

Jurisdiction, § 29:3

Law and practice, § 29:10

Lis pendens, § 29:10

Overview, § 29:1

Parties, § 29:6

Pleading, § 29:7

References, § 29:14

Statute of limitations, § 29:5

Venue, § 29:4

STATUTE OF FRAUDS

- Generally, § 2:2
- Affirmative defense, §§ 2:7, 2:12
- Breach of warranty, § 9:8
- Compromise and settlement, § 10:8
- Constructive trust, § 21:10
- Covenant not to compete, § 11:8
- Estoppel, § 2:8
- Evidence, § 2:10
- Express contract, breach of, § 12:8
- Fiduciary relationships, § 2:8
- Forms, § 2:12
- Guaranty, § 13:8
- Indemnity, § 41:8
- Modifications, § 2:1
- Overview, § 2:1
- Pleadings, § 2:7
- Quiet title, § 39:8
- References, § 2:11
- Sales, goods, § 17:8
- Trial objections, § 2:9
- Uniform Commercial Code, § 3:2
- Waiver, § 2:8

STATUTE OF LIMITATIONS

- Limitation of Actions, this index

SUBJECT MATTER JURISDICTION

- Actions for account stated, § 5:3
- Actions on account, § 4:3
- Adverse possession, § 33:3
- Arbitration, § 6:3
- Bills, § 8:3
- Breach of warranty, § 9:3
- Cancellation of instruments, § 20:2
- Compromise and settlement, § 10:3
- Constructive trust, § 21:3
- Covenant not to compete, § 11:3
- Declaratory judgment, § 31:3
- Ejectment, § 34:3
- Eminent domain, § 35:4
- Equitable accounting, § 22:3
- Equity proceedings, § 23:5
- Express contract, breach of, § 12:3
- Guaranty, § 13:3
- Indemnity, § 41:3
- Injunction, § 24:4
- Insurance carrier refusal to defend, § 15:3

INDEX

SUBJECT MATTER JURISDICTION—Cont'd

- Insurance contracts, § 14:3
- Interpleader, § 25:3
- Inverse condemnation, § 36:3
- Jurisdiction, § 29:3
- Money had and received, § 42:3
- Notes, § 8:3
- Partition, § 37:3
- Prescriptive easements, § 38:3
- Quantum meruit, § 43:3
- Quiet title, § 39:3
- Real estate listing, § 16:3
- Reformation of instruments, § 26:3
- Replevin, § 40:3
- Rescission, § 27:3
- Resultant trust, § 28:3
- Sales
 - Goods, § 17:3
 - Land, § 18:3
- Subrogation, § 30:3
- Uninsured and underinsured motor vehicles, § 19:3
- Unjust enrichment, § 44:3
- Vexatious refusal to pay insurance claim, § 32:3

SUBROGATION

- Action
 - Elements, § 30:2
 - Statute of limitations, § 30:5
- Conventional, § 30:1
- Damages, § 30:12
- Defenses, § 30:8
- Discovery, § 30:9
- Equitable, § 30:1
- Evidence, § 30:11
- Forms, § 30:15
- Instructions, § 30:13
- Jurisdiction, § 30:3
- Legal, § 30:1
- Overview, § 30:1
- Parties, § 30:6
- Petition, § 30:15
- Pleading, § 30:7
- References, § 30:14
- Statute of limitations, § 30:5
- Trial practice, § 30:10
- Venue, § 30:4

SUBSTANTIVE OR PROCEDURAL

Generally, § 1:2

SURVEYS AND SURVEYORS

Equity proceedings, court-ordered surveys, § 23:17

TERMINATION

Bailment, § 7:10

TITLE

Quiet Title, this index

TRUSTS AND TRUSTEES

Constructive Trusts, this index

Resulting Trusts, this index

UNIFORM ARBITRATION ACT

Generally, § 6:2

UNIFORM COMMERCIAL CODE

Adoption, § 3:1

Application, § 3:1

Choice of law provisions, § 3:5

Overview, § 3:1

Parol evidence rule, § 3:3

Provisions varied by agreement, § 3:6

References, § 3:7

Statute of frauds, § 3:2

Statutes of limitations

Generally, § 3:4

Breach of warranty, § 9:5

Verdict-directing instructions, § 9:13

UNINSURED AND UNDERINSURED MOTORISTS

Action

Elements, § 19:2

Joinder, §§ 19:4, 19:6

Statute of limitations, § 19:5

Burden of proof, § 19:10

Damages, § 19:12

Defenses, § 19:8

Discovery, § 19:9

Evidence, § 19:11

Forms, § 19:15

Instructions, § 19:13

Jurisdiction, § 19:3

Overview, § 19:1

Parties, § 19:6

Petition, §§ 19:7, 19:15

Pleading, § 19:7

References, § 19:14

INDEX

UNINSURED AND UNDERINSURED MOTORISTS—Cont'd

- Stacking, §§ **19:10, 19:12**
- Statute of limitations, § **19:5**
- Trial practice, § **19:10**
- Venue, § **19:4**
- Vexatious refusal, § **19:9**

UNJUST ENRICHMENT

- Restitution and Unjust Enrichment, this index

USURY

- Interest and Usury, this index

VENUE

- Actions on account, § **4:4**
- Arbitration, § **6:4**
- Bailment, § **7:4**
- Breach of warranty, § **9:4**
- Brokerage commission agreement, § **16:4**
- Cancellation of instruments, § **20:3**
- Compromise and settlement, § **10:4**
- Constructive trust, § **21:4**
- Covenant not to compete, § **11:4**
- Declaratory judgment, § **31:4**
- Ejectment, § **34:4**
- Equitable accounting, § **22:4**
- Express contract, breach of, § **12:4**
- Indemnity, § **41:4**
- Injunction, § **24:5**
- Insurance and insurance companies
 - Contracts, § **14:4**
 - Refusal to defend, § **15:4**
- Interpleader, § **25:4**
- Inverse condemnation, § **36:4**
- Jurisdiction, § **35:5**
- Money had and received, § **42:4**
- Partition, § **37:4**
- Prescriptive easements, § **38:4**
- Quantum meruit, § **43:4**
- Quiet title, § **39:4**
- Real estate listing, § **16:4**
- Reformation of instruments, § **26:4**
- Replevin, § **40:4**
- Rescission, § **27:4**
- Resultant trust, § **28:4**
- Sales
 - Goods, § **17:4**
 - Land, § **18:4**
- Specific performance, § **29:4**

VENUE—Cont'd

- Subrogation, § 30:4
- Uninsured and underinsured motor vehicles, § 19:4
- Unjust enrichment, § 44:4
- Vexatious refusal to pay insurance claim, § 32:4

VEXATIOUS REFUSAL TO PAY INSURANCE CLAIM

Action

- Elements, § 32:2
- Statute of limitations, § 32:5
- Attorneys' fees, §§ 32:10, 32:12
- Case law, § 32:10
- Construction of governing statutes, § 32:10
- Damages, § 32:12
- Defenses, § 32:8
- Discovery, § 32:9
- Evidence, § 32:11
- Forms, § 32:15
- Instructions, § 32:13
- Jurisdiction, § 32:3
- Law and practice, § 32:10
- Overview, § 32:1
- Parties, § 32:6
- Petition, § 32:15
- Pleading, § 32:7
- Preemption of other tort actions, § 32:10
- Reasonable and prudent person standard, § 32:10
- References, § 32:14
- Statute of limitations, § 32:5
- Sufficiency of evidence, § 32:10
- Time when payment refusal is determined to be vexatious, § 32:10
- Uninsured and underinsured motor vehicles, § 19:9
- Venue, § 32:4

WAIVER

- Estoppel and Waiver, this index

WAREHOUSEMEN

- Bailment, § 7:10

WARRANTIES

- Breach of warranty
 - Actions
 - Elements, § 9:2
 - Statute of limitations, § 9:5
 - Affirmative defense, § 9:7
 - Burden of proof, § 9:10
 - Cumulative warranties, § 9:10
 - Damages
 - Generally, § 9:12

INDEX

WARRANTIES—Cont'd

Breach of warranty—Cont'd

Damages—Cont'd

Instructions, § 9:13

Defenses, § 9:8

Discovery, § 9:9

Duration of warranty, § 9:10

Evidence, § 9:11

Express warranty

Actions, § 9:2

Pleading, § 9:7

Express warranty, form of petition pleading breach under UCC, § 9:15

Federal remedies, § 9:2

Implied warranty

Merchantability, § 9:2

Pleading, § 9:7

Sale of new home, § 9:2

Instructions

Generally, § 9:13

Interest, § 9:12

Joinder of claims, § 9:7

Jurisdiction, § 9:3

Overview, § 9:1

Parties, § 9:6

Petition pleading breach under UCC, § 9:15

Pleading, § 9:7

References, § 9:14

Remedies, § 9:12

Rescission, § 9:12

Service warranty, § 9:2

Statements of opinion, § 9:10

Statute of limitations, § 9:5

Trial practice, § 9:10

Venue, § 9:4

WITNESSES

Unjust enrichment actions, § 44:11

WRITING AND WRITTEN INSTRUMENTS

Authentication and identification, § 2:10

Categories, § 2:2

Evidence varying or contradicting, § 1:4

Integrated, § 1:3

Statute of Frauds, this index

Sufficiency, §§ 2:3, 3:2