**18.04 CONVERSION/INTENTIONAL INTERFERENCE WITH CHATTELS — Excuse — Consent**

The defendant claims the plaintiff [consented] [did or said something to cause the defendant to reasonably believe the plaintiff consented] to the (insert act of interference) of the (insert item of property) by the defendant.

If you decide this is more likely true than not true, then you must find in favor of the defendant on this claim

**Use Note**

This instruction should be used when the defendant raises consent as an affirmative defense.

In bailment settings use Instruction 21.04 (Affirmative Defenses).

# **Comment**

Although the Alaska Supreme Court has not expressly held that consent is a defense to a conversion or trespass to chattels, it is widely held that consent is a defense*. E.g., Portable Pipe Serv. Co. v. Graham*, 389 P.2d 985, 987 (Okla. 1964); *Scott v. Allstate Ins. Co*., 553 P.2d 1221, 1225 (Ariz. Ct. App. 1976).