

1 **13-1633. Fraud.**

2 A party is liable for damages proximately caused by ~~[[his]-[her]]~~the party's fraudulent  
3 misrepresentation. To prove fraud, \_\_\_\_\_ (*party claiming fraud*) must prove:

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

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

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

9 Fourth, \_\_\_\_\_ (*party claiming fraud*) did in fact rely on the  
10 representation.

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

12 USE NOTES

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

16 [Adopted, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-2025-  
17 00126, effective for all cases pending or filed on or after December 31, 2025.]