### IDJI 6.07.3 - No unjust enrichment if gift – equitable theories

INSTRUCTION NO. \_\_\_

 If the plaintiff intended to make a gift of the benefit to the defendant, there is no unjust enrichment.

Comment:

Matter of Estate of Keeven, 126 Idaho 290, 882 P.2d 457 (App. 1994), holding where the plaintiff intended that the benefit be gratuitous, retention of benefits is not unjust.