

13-701. Statement of the case and issues; burden; duty; condemnation proceedings.

This is a condemnation proceeding.

The _____ (*here state name of condemning authority*) has filed this lawsuit against the [owner(s)] [tenant(s)], _____ (*here state name of owner/tenant or party in interest*) to condemn the property commonly described as:
(Here give common, lay description and location of property.)

The date of the taking was _____ (*here state legal date of taking*).

The condemning authority contends the damages of _____ are \$ _____.

The [owner] [tenant] claims the damages are \$ _____.

Each party has the burden of proving its claims by the greater weight of the evidence, which means that you must be persuaded, considering all of the evidence in the case, that the claims on which the party has the burden of proof are more likely true than not true.

It is your duty to determine, from the greater weight of the evidence, the amount of money damages to be paid the [owner] [tenant] as just compensation for the taking.

USE NOTE

In completing the blanks in this instruction it is not necessary to use the full legal name of condemning authority or legal description of the property involved. All that is necessary is reasonable identification.

This instruction is the "statement of issues" to be used in eminent domain proceedings in lieu of UJI 13-302 NMRA. The issues to be decided by the jury in each case should be delineated in simple, concise, understandable terms.

When a leasehold estate is involved, in lieu of the word "owner" use the word "tenant".

[As amended, effective January 1, 1987.]