

13-1815. Personal property depreciation and repairs depreciation vs. before and after rule; unrepaired.

In determining property damage, you may award only the smaller of two figures which are calculated as follows:

One figure is the reasonable expenses of necessary repair to the property damaged plus the decrease, if any, in the fair market value of the repaired property as compared to its fair market value before the occurrence; and
The other figure is the difference between the fair market value of the property immediately before the occurrence and the fair market value of the unrepaired property immediately after the occurrence.

USE NOTES

This instruction is to be inserted following the first paragraph of UJI 13-1802, when the evidence justifies its use.

If there is no claim that the repaired property has depreciated in value, use UJI 13-1816.

If the cost of repairs plus depreciation will be less than the difference in value between the damaged and undamaged property, use UJI 13-1817.

If only the reasonable expense of necessary repairs is claimed and that is less than the difference in value of the property before and after the damage, use UJI 13-1813.

If the difference in the value of property before and after it was damaged is less than the reasonable cost of repairs, use UJI 13-1814.

This instruction may not be appropriate for damages to real estate, or improvements thereon, or property of intrinsic value or of no market value.