

13-722. Special responsibility of jury.

The owner of property is usually reluctant to have [his] [her] [its] property taken. Thus, [he] [she] [it] is not a willing seller. Nevertheless, [he] [she] [it] is entitled to recover for damage to the property caused by the taking. You should exercise care and good judgment in determining damages so that both the defendant and the plaintiff are treated fairly. Each defendant should receive and the plaintiff should pay just compensation, as required by law.

USE NOTE

In the foregoing instruction, it is assumed that the plaintiff is the state or other governmental agency and, thus, is either taking the land involved or causing damage thereto and the defendant is the landowner, landlord or tenant. When the tenant is involved in the condemnation proceedings, the word "owner" should be stricken and modification should be made to show that it is the tenant who is reluctant to have his interest in the property taken, or to lose his leasehold. In the appropriate case, perhaps other designations of the parties may be required.

[As amended, effective November 1, 1991.]