

STATE'S REQUESTED CHARGE NUMBER 1

I charge you, Gentlemen of the Jury, that under Alabama Laws, land owners, whose property is condemned for public purpose, is entitled only to just compensation, which means equitable compensation, and is confined to present value of land.

Sven,
Zulfair J. Masheum
Judge

STATE'S REQUESTED CHARGE NUMBER 2

I charge you, Gentlemen of the Jury, that the power to take property for a public use is inherent in any government. The Constitution of the State of Alabama, 1901, Section 23, limits this inherent power only to the extent that just compensation will be paid for the lands or property condemned and, just compensation is determined by the fair market value of the subject property.

*Refused,
Zelfair J. Mashebum
Judge.*

STATE'S REQUESTED CHARGE NUMBER 3

I charge you, Gentlemen of the Jury, that compensation for the taking of property for public use must be determined as of the time of taking, and in this case the time of taking is NOV 7, 1969.

Signed
Jeffair J. Marshall
Judge

STATE'S REQUESTED CHARGE NUMBER 4

I charge you, Gentlemen of the Jury, that in fixing compensation of condemnation of lands, possible, probably, or imaginary uses are not to be considered.

*Refused,
Sulphur J. MacLennan
Judge.*

STATE'S REQUESTED CHARGE NUMBER 5

I charge you, Gentlemen of the Jury, that in this condemnation proceeding, neither petitioners desire to condemn nor the owners unwillingness to part with the property is the proper subject matter of consideration.

*Refused,
Sufair J. Madelburn
Judge.*

STATE'S REQUESTED CHARGE NUMBER 6

I charge you, Gentlemen of the Jury, that in assessing damages for condemnation of land, the jury may consider value at which owner has assessed land for taxation; but such assessment is not conclusive.

Suzer
Jeffrey J. Madisew
Judge.

STATE'S REQUESTED CHARGE NUMBER

7

I charge you, Gentlemen of the Jury, that the general rule in condemnation proceedings where only part of a tract of land is taken is that the owner is entitled to difference between value of entire tract immediately before taking and value of part of tract remaining after taking.

Refused,
J. J. Mason
Judge.

STATE'S REQUESTED CHARGE NUMBER 8

I charge you, Gentlemen of the Jury, that you cannot
award the respondent compensation for any speculative
or imaginary enterprises or any speculative claims.

*Jesse
Seliger J. Mason
Judge.*

STATE'S REQUESTED CHARGE NUMBER 9

I charge you, Gentlemen of the Jury, that the final inquiry as to compensation, if any, to be awarded where a part of a tract of land is condemned for public highways, is the difference between the value of the entire tract immediately before the taking and the value of the part of the tract remaining after the taking, giving effect to any enhancement in value of part remaining resulting from the road construction.

Sween,
Jeffrey J. Maslowski
Judge.

STATE'S REQUESTED CHARGE NO. 10

I charge you, Gentlemen of the Jury, that the test of market value of property condemned is what it would reasonable have sold for in the market at the time and place under like conditions, and is the price the property will bring when offered for sale by a willing seller, who is not forced to sell and is sought by a willing buyer, not required to buy, after due consideration of all elements effecting value.

Refused
Jeffrey J. Macleburn
judge.

STATE'S REQUESTED CHARGE NUMBER 11

I charge you, Gentlemen of the Jury, that market value is the price in the price in terms of money the property would bring if offered for sale in the open market by a willing seller, with reasonable time to find a willing purchase buying with full knowledge of all the uses to which the property is adaptable and for which it is capable of being used at the time of the taking.

Refused,
Julian J. Madolewicz
Judge

STATE'S REQUESTED CHARGE NUMBER 12

I charge you, Gentlemen of the Jury, that if you are reasonable satisfied from the evidence in this case that any witness has magnified or exaggerated the value of the property acquired in the proceedings on account of his interest in the outcome of this action, or his prejudice, or want of knowledge or experience or truthfulness, then you have the right, and it is your duty, to disregard the evidence of such witness in so far as the same is unjustly magnified or unjustly increased, as to the value of this property.

Refused,
J. Fair J. Madison
Judge