

D-1

The Court charges the jury that in this case under the Constitution and Laws of the State of Alabama the Condemnor, Humble Pipe Line Company, is required to adequately and completely compensate the owners of the tract of land from whom it is taking an easement to construct and maintain a pipe line or pipe lines.

*Revised*  
*Walter J. Maddox*  
*Judge*

The Court charges the jury that in a condemnation proceeding such as this the landowners are entitled to receive at your hands and in your verdict full, complete, adequate and just compensation for the land taken from them and also to receive any damages to their remaining lands which are the result of the taking.

11

Given  
J. J. Mason  
Judge

The Court charges the jury that in a condemnation proceeding such as this that if there is any detriment to the remaining lands of the Defendants not offset by special benefits, the measure of damages to which the landowners are entitled is the difference in the reasonable market value of the tract of land before and after the taking, but in no event less than the reasonable value of that taken.

*Dixon*  
*Jeffery J. Maslowski*  
*Judge*

The Court charges the jury that the interest in land being taken in this case is for private purposes and not for public purposes.

Given  
Jeffrey J. Masterson  
Judge

The Court charges the jury that the interest in land which the landowners have left will at all time be subordinate to the rights of Humble Pipe Line Company, and the landowners can make no use of the land taken which would in any way interfere with the full and free exercise of the easement taken from the landowners.

Dixie  
Telfair M. M. M. M.  
Judge

The Court charges the jury that if you are reasonably satisfied from the evidence in this case that the taking of the interest in property by Humble Pipe Line Company has damaged the remaining lands of the landowners then they are entitled to receive compensation for such damage.

Refused,  
Selmer J. Mathis  
Judge

The Court charges the jury that under the evidence in this case no special benefit will accrue to the landowners as a result of the taking from them by Humble Pipe Line Company of the easement across their lands.

*Given*  
*Jefferson J. Washburn*  
*Judge*

The Court charges the jury that Humble Pipe Line Company has taken from the landowners an easement across their lands for the transmission of liquids and/or gases through a pipe line or pipe lines including the right to construct, maintain, inspect, operate, protect, replace, repair, change the size of and remove said line or lines; and the Court further charges the jury that the landowners can do nothing now or in the future on the land described in the easement which would in any way interfere with the rights taken from them by Humble Pipe Line Company.

*Sign*  
*Seafair J. Mason*  
*Judge*



The Court charges the jury that the landowners are entitled to just compensation by reason of an interest in their land being taken. In order to arrive at the just compensation in this case, you should, based on all of the evidence, award the landowners the fair market value of the land actually taken plus the decrease in value, if any, to the remaining lands. These values should be determined from all the evidence as of December 27, 1971, the date on which the application for condemnation was filed by the condemnor. Then you should compute interest at the rate of 6% per annum on the sum of said values from the time of the actual appropriation of the land by the Condemnor until the present time and add such interest to said values in order to arrive at one lump sum as a just compensation to the landowners.

*Refused  
Defendant's motion  
Judge*

The Court charges the jury that in determining the value of the tract of land after this taking, you should consider any factor which would depreciate the value, and this includes any effect that the existence of this pipe line easement may produce on the remaining tract, especially if it affects the free and uninterrupted access from one part of the land to the other, if it constitutes a hazard, and if it in any other way restricts or impedes the landowners in their free use and enjoyment of the entire tract.

Given  
Sergio J. Maldonado  
Judge

Plaintiff's requested Charge I  
The Court charges that upon the  
acquisition of an easement or right of  
way for a pipe line, the landowner  
loses certain rights in correlation to those  
gained by the owner of the easement.  
But the ownership of the fee remains  
in the landowner and with it the right  
to make full use of the land insofar as  
is reasonable to the full ~~use~~ enjoyment of  
the easement.

Dwight  
J. Fairg. Mason  
Judge