

DEFENDANT'S REQUESTED CHARGE NO. 1

I charge you, Ladies and Gentlemen of the Jury, that the ultimate question in this case is the total just compensation due to be paid to the property owners for the property taken.

Swear,

Joseph J. Madaleno
Judge

DEFENDANT'S REQUESTED CHARGE NO. 2

I charge you, Ladies and Gentlemen of the Jury, that the Constitution of the State of Alabama, 1901, Sections 23 and 235, limits the condemnors power of eminent domain to the extent that just compensation must be paid for the property condemned and taken from the property owner.

~~given~~, Refused,

Jeffery J. Madisier
Judge

DEFENDANT'S REQUESTED CHARGE NO. 3

I charge you, Ladies and Gentlemen of the Jury, that it is proper for you to consider the use to which the property was being put as of the date of the taking in arriving at your verdict of just compensation to the property owners in this case for the taking of their property.

Sincerely,

J. J. M. M. M.
Judge

DEFENDANT'S REQUESTED CHARGE NO. 4

I charge you, Ladies and Gentlemen of the Jury, that market value is the highest price in terms of money that the property would bring if offered for sale in the open market by a willing seller, with reasonable time to find a willing buyer, 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.

Sworn

J. J. Madhew
Judge

DEFENDANT'S REQUESTED CHARGE NO. 5

I charge you, Ladies and Gentlemen of the Jury, that the Defendant property owners are entitled to just compensation by reason of their property being taken in this case. In order to arrive at the just compensation due the property owners in this case, you should, based on the evidence in the case, award the property owners the reasonable market value of their property at the time of this acquisition, taking into consideration any factors which influence the market value.

Sven

Jeffrey A. Madaleno
Judge

DEFENDANT'S REQUEST CHARGE NO: 6

The Court charges the jury that if they are reasonably satisfied from all the evidence that the highest and best use of the land of the defendants condemned in this suit, was as business property; then the jury may value the property of the defendants condemned as business property in their deliberation as to the amount of damages the defendants are entitled to in this suit.

Refused

Jessie J. Madeline
JUDGE