

STATE'S REQUESTED CHARGE NUMBER 1

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,  
Sefair J. Maskeburn  
Judge*

STATE'S REQUESTED CHARGE NUMBER 2

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  
T. J. J. Maskeburn  
Judge

STATE'S REQUESTED CHARGE NUMBER 3

I charge you, Gentlemen of the Jury, that you cannot award the respondent any damages for any temporary inconvenience that it has or may sustain by reason of the taking and the construction proposed highway.

*Simon*  
*Jefair J. Maddox*  
*Judge*

STATE'S REQUESTED CHARGE NUMBER 4

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.

*Signed*  
*Jeffrey J. Mastiberec*  
*Judge.*

STATE'S REQUESTED CHARGE NUMBER 5

I charge you, Gentlemen of the Jury, that the before value of the entire property in this case is to be determined by the fair market value of the entire property at the time of taking, which in this case is January 5, 1973

Given,  
Jeffrey J. MacLennan  
Judge

STATE'S REQUESTED CHARGE NUMBER 6

I charge you, Gentlemen of the Jury, that you cannot award the respondent any damages for any temporary inconvenience that it has or may sustain by reason of the taking and the construction proposed highway.

*Refused*  
*Jeffrey J. Marshall*  
*Judge*

STATE'S REQUESTED CHARGE NUMBER

7

I Charge you, Gentlemen of the Jury, that you have the right to reject and discard any element of speculation or chance that you are reasonably satisfied from the evidence entered into the opinion of any of the witnesses who testified as to value from the respondents in this case.

Given,  
Jeffery J. Maslowski  
Judge

STATE'S REQUESTED CHARGE NUMBER

8

I charge you that if you are reasonably satisfied from the evidence in this case that any witness has magnified or exaggerated the value of the land taken, or the damages to the land not taken, 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, either as to the value of the land taken, or the damage to the property not taken.

*Given,  
Jeffrey J. Malliburn  
Judge*

STATE'S REQUESTED CHARGE NO. 9

I Charge you, Gentlemen of the Jury, that the test of market value of property condemned is that 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,  
J. Fair J. Marshall  
Judge*

STATE'S REQUESTED CHARGE NUMBER

10

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.

Given  
Telfair J. Maddisens  
Judge

STATE'S REQUESTED CHARGE NUMBER 11

I charge you, Gentlemen of the Jury, that the burden is on the respondent property owners to prove, by a fair preponderance of all the evidence in this case, any damages they claim to have sustained. If, after considering all the evidence in this case you should find that any evidence on the question of damages is evenly balanced, you should answer such question against the respondent property owners because they have the burden on that issue.

*Tison,*  
*Jeffrey J. Marbleburn*  
*Judge*

STATE'S REQUESTED CHARGE NUMBER 12

I charge you, Gentlemen of the Jury, that you have the right of reject and discard any element of speculation or chance that you are reasonably satisfied from the evidence entered into the opinion of any of the witnesses who testified for the respondents in this case whether it goes to the value of the property or the damages or enhancement testified to.

*Refused*  
*Jefair J. Mashburn*  
*judge*

STATE'S REQUESTED CHARGE NUMBER 13

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

Refused  
Jefferson J. Madison  
Judge