

The Court charges the jury that in arriving at the amount of damages, if any, to which you believe the landowner in this case is entitled, you may consider the inconvenience to the remaining tract resulting from the condemnation.

Revised
W. J. Walters, Jr. Judge

The Court charges the jury that in a condemnation proceeding such as this where only a part of a tract of land is taken, that the owner is entitled to compensation equal to the difference between the value of the entire tract before the taking and the value of the part remaining after the taking; and in determining the value of the property after the taking, the jury should consider any factor or circumstance which would depreciate the value in any way, including any effect that the completed project for which the land is condemned may produce on the remaining tract.

Refused
W. J. Walters, Jr. Judge

The Court charges the jury that just compensation means the payment of such sum of money to the property owners that owners would be saved harmless as near as may be and put in as near the same condition as such owners would have been but for the taking.

Refused
W. H. Williams, Jr. Judge

The Court charges the jury that in determining what is just compensation, you may consider the uses to which the property is reasonably adapted, though the property is not presently so used, as the landowner is entitled to have the value of the property determined, based on its highest and best use. If you are reasonably satisfied from the evidence that there existed a prospective use effecting the value of the property at the date of the taking, that is an element for your consideration; but you should not consider speculative or imaginary use of the property or merely speculatively plans of the property owner.

Refused
W. D. Walker, Jr.
Judge

The Court charges the jury that it may take into consideration in determining just compensation, the value of the land taken, the actual acreage or lots taken, any injury to the remaining part of the tract of land, taking the entire tract as a unit, and the adaptability of the land for a special purpose affecting its value. The proper way to arrive at the diminished value of the tract of land is the difference in market value just before and just after the taking.

Refused
W. J. Walters, Judge

The Court charges the jury that the landowner in this case is entitled to just compensation; and the term "just compensation" includes not only the value of the land actually taken and appropriated to the use of the State of Alabama, but the injury to the remaining lands, and if the ways of ingress to and egress from the remaining lands will be obstructed or interrupted, such obstruction or interruption forms part of the injury, for which compensation should be made.

Refused
G. J. Wilkins, Jr.
Judge

The Court charges the jury that in a condemnation proceeding such as this where only a part of a tract of land is taken, that the owner is entitled to compensation equal to the difference between the value of the entire tract before the taking and the value of the part remaining after the taking; and in determining the value of the property after the taking, the jury should consider any factor or circumstance which would depreciate the value in any way, including any effect that the completed project for which the land is condemned may produce on the remaining tract.

Refused
Ray J. Walters, Jr.
Judge

The Court charges the jury that in arriving at the amount of damages, if any, to which you believe the landowner in this case is entitled, you may consider the inconvenience to the remaining tract resulting from the condemnation.

Refused
E. J. Walters
Judge

The Court charges the jury that the final inquiry in determining the amount of compensation and damages, if any, to which the landowners in this case are entitled for the difference between the value of the tract before and after the completion of the project, and in answering this final inquiry, it is proper for you to consider all circumstances which depreciate the value of the tract as a direct result of the work.

Refused
L. G. J. Winters
Judge

PLAINTIFF'S REQUESTED CHARGE NO. 1

THE COURT CHARGES YOU, LADIES AND GENTLEMEN OF THE JURY, THAT THE COMPENSATION, IF ANY, TO BE AWARDED THE LANDOWNER IS THE DIFFERENCE BETWEEN THE REASONABLE MARKET VALUE OF THE ENTIRE TRACT IMMEDIATELY BEFORE THE TAKING AND THE REASONABLE MARKET VALUE OF THE PART REMAINING AFTER THE TAKING, GIVING EFFECT TO ANY ENHANCEMENT IN VALUE OF THE PART REMAINING RESULTING FROM THE CONSTRUCTION OF THE PUBLIC HIGHWAY.

GIVEN: _____ REFUSED:


Circuit Judge

PLAINTIFF'S REQUESTED CHARGE NO. 2

THE COURT CHARGES YOU, LADIES AND GENTLEMEN OF THE JURY, THAT IN CONDEMNATION PROCEEDINGS, CAUTION SHOULD BE OBSERVED NOT TO BUILD UP AN IMAGINARY OR SPECULATIVE VALUE AS THE BASIS FOR AWARDED DAMAGES.

GIVEN: _____ REFUSED:


Circuit Judge

PLAINTIFF'S REQUESTED CHARGE NO. 3

THE COURT CHARGES YOU, LADIES AND GENTLEMEN OF THE JURY, THAT YOU ARE NOT TO CONSIDER ANY ENHANCEMENT TO THE LAND CONDEMNED IN ARRIVING AT THE REASONABLE MARKET VALUE OF THE LAND BEFORE THE TAKING BY THE STATE OF ALABAMA.

GIVEN: _____ REFUSED:


Circuit Judge

PLAINTIFF'S REQUESTED CHARGE NO: 1

THE COURT CHARGES YOU THAT IN DETERMINING WHAT IS JUST COMPENSATION
YOU SHOULD NOT CONSIDER SPECULATIVE OR IMAGINARY USES OF THE PROPERTY
OR MERELY SPECULATIVE PLANS OF THE PROPERTY OWNER.

*Refused
Judge*

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The Court charges the jury that the final inquiry in determining the amount of compensation and damages, if any, to which the landowners in this case are entitled for the difference between the value of the tract before and after the completion of the project; and in answering this final inquiry it is proper for you to consider all circumstances which depreciate the value of the tract as a direct result of the work.

Respectfully,
W. G. J. Walker Jr.
Judge

The Court charges the jury that in assessing the damages, if any, to which the landowner in this case is entitled by virtue of the condemnation of a right-of-way across the land in question for a controlled or limited access highway you may consider the fact or circumstance that the landowner is denied access to the highway, even though no highway had ever been built on this tract of land and the proposed highway is to be built on a new right-of-way.

Given
W. J. Williams, Jr.
Judge

The Court charges the jury that in arriving at the amount of damages, if any, to which you believe the landowner in this case is entitled you may consider the inconvenience to the remaining tract resulting from the condemnation.

*James
W. J. Walters
Judge*

The Court charges the jury that the landowner in this case is entitled to just compensation; and the term "just compensation" includes not only the value of the land actually taken and appropriated to the use of the State of Alabama, but the injury to the remaining lands, and if the ways of ingress to and egress from the remaining lands will be obstructed or interrupted, such obstruction or interruption forms a part of the injury, for which compensation should be made.

Justin
W. J. Williams

The Court charges the jury that in a condemnation proceeding such as this where only a part of a tract of land is taken, that the owner is entitled to compensation equal to the difference between the value of the entire tract before the taking and the value of the part remaining after the taking; and in determining the value of the property after the taking the jury should consider any factor or circumstance which would depreciate the value in any way, including any effect that the completed project for which the land is condemned may produce on the remaining tract.

*Living
H. J. Walter*