

L-1

The Court charges the jury that market value is the price the property would bring when offered for sale by a willing seller who is not forced to sell and which is paid by a willing buyer who is not required to buy, after due consideration of all the elements effecting the value.

Susan
Jeffrey J. Madisburn
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.

Given
J. Fair J. Marshall
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 speculative ~~or~~ plans of the property owner.

Tejvan
Tejvan J. Mallick
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.

~~James Referred,~~
Jefair J. Madalena
Judge

APCo v Woodrow Wright
Applicant's Charges

#1

The Court charges you that while it is proper for a witness, in making his estimate of damages to be allowed for the defendant, to take into consideration any use to which he believes, from the evidence, the property in question may be profitably put to, yet, gentlemen of the jury, you are not bound to base your verdict upon the supposition that such property would be put to a use other than that to which it is now or has been devoted.

Sven
Jefair J. MacLennan
Judge

#2

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 insofar as the same is unjustly magnified or unjustly increased, either as to the value of the land taken, or the damages to the property not taken.

Sven
Jefair J. MacLennan
Judge

#3

The Court charges you, gentlemen of the jury, that the land-owners in this case may offer a plan showing a possible scheme of development for the purpose for which the land is most suitable, but they are not permitted to incorporate in such a plan the speculative price of the individual lots.

Sven
Jefair J. MacLennan
Judge

#4

The Court charges you that the measure of damages and compensation to be awarded the landowners in this case is the fair market value of the strip of land actually taken for the right of way as of the date when the original application was filed in this case and, in addition, the depreciation, if any, in the fair market value of the remaining adjacent lands belonging to the landowners. In arriving at the depreciation, if any, in the fair market value of such remaining lands belonging to the landowners, you may consider the right of the landowners to use the strip of land actually taken in any manner which does not interfere with the use of such strip by Alabama Power Company for the purposes for which such land is condemned.

Given
Jeffrey J. Washburn
Judge

#5

I charge you gentlemen not consider any element of value based upon those possible and imaginary uses of the landowners' land which are mere speculative claims.

Refused
Jeffrey J. Washburn
Judge

#6

The Court charges you, gentlemen of the jury, that the burden is on the landowners in this case to satisfy you that their lands adjacent to the right of way condemned have been damaged, and if your minds are left in a condition of doubt or uncertainty as to whether or not such adjacent lands have been damaged, or to the nature and extent thereof, then you shall not award anything as damages to such adjacent lands.

Given
Jeffrey J. Washburn
Judge