

1 **13-722. Special responsibility of jury.**

2 The owner of property is usually reluctant to have ~~[[his] [her] [its]]~~ property taken. Thus,
3 ~~[[he] [she] [it]]~~ the owner is not a willing seller. Nevertheless, ~~[[he] [she] [it]]~~ the owner is entitled
4 to recover for damage to the property caused by the taking. You should exercise care and good
5 judgment in determining damages so that both the defendant and the plaintiff are treated fairly.
6 Each defendant should receive and the plaintiff should pay just compensation, as required by law.

7 USE NOTES

8 In the foregoing instruction, it is assumed that the plaintiff is the state or other governmental
9 agency and, thus, is either taking the land involved or causing damage thereto and the defendant
10 is the landowner, ~~landlord~~ lessor, or tenant. When the tenant is involved in the condemnation
11 proceedings, the word ~~["owner"]~~ should be stricken and modification should be made to show
12 that it is the tenant who is reluctant to ~~[have his]~~ lose an interest in the property ~~[taken]~~, or to lose
13 ~~his~~ the leasehold. In the appropriate case, perhaps other designations of the parties may be
14 required.

15 [As amended, effective November 1, 1991; as amended by Supreme Court Order No. S-1-RCR-
16 2025-00126, effective for all cases pending or filed on or after December 31, 2025.]

17 **Committee commentary.** — Generally, in a condemnation action, the only issue left for the
18 determination of the jury, after all of the evidence has been presented, is the amount to be awarded.
19 Thus, the above special cautionary instruction is justified.