**27.11(D) VERDICT FORM: SEVERANCE DAMAGES, WITH SPECIAL BENEFIT ISSUES AND COST OF CURE ISSUES**

1. What was the fair market value of [Part T] as of [insert date of taking]?

 $

2. Were [Part T] and [Part NT] an integrated whole prior to when government entity] took [Part T]?

Yes

No

If yes, answer Question 3.

If no, go to Question 14 and enter $0 for Severance Damages. Do not answer any other questions.

3. Did the fair market value of [Part NT] decrease as a result of [government entity] taking [Part T]?

Yes

No

If yes, answer Question 4.

If no, go to Question 14 and enter $0 for Severance Damages. Do not answer any other questions.

4. What is the dollar amount of the decrease in Part NT’s value that was caused by [government entity] taking [Part T]?

$

This is the Initial Loss of Fair Market Value.

Now answer Question 5.

5. Did completion of the project confer a special benefit on [Part NT] that increased [Part NT]’s fair market value?

Yes

No

If the answer is No, go to Question 8 and enter the amount from Question 4. Do not answer Question 6 or Question 7.

If the answer is Yes, answer Question 6 and Question 7.

6. What is the dollar amount of the increased value of [Part NT] from the special benefit to [Part NT] from completion of the project? This is the Special Benefit Amount.

 $

Now answer Question 7.

7. **Subtract** the Special Benefit Amount (Question 6) from the Initial Loss in Fair Market Value (Question 4):

Initial Loss in Fair Market Value (Question 4) $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Special Benefit Amount (Question 6) - $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Remaining Amount $

If the Remaining Amount is zero or a negative number, go to Question 14 and enter $0 for Severance Damages. Do not answer any other questions.

If the Remaining Amount is a positive number, enter this amount as the answer to Question 8.

8. Lost Fair Market Value for Part NT $

9. Was [curative measure] feasible?

Yes

No

If no, go to Question 14 and enter the same amount that you entered for Question 8. Do not answer Questions 10, 11, 12 or 13.

If yes, answer Question 10.

10. Would [curative measure] prevent some or all of the Lost Fair Market Value for Part NT as stated in Question 8?

Yes

No

If no, go to Question14 and enter the same amount that you entered for Question 8. Do not answer Questions 11, 12 or 13.

If yes, answer Question 11.

11. What is the reasonable cost of completing [curative measure]?

 $

12. Is the reasonable cost of completing [curative measure] as stated in Question11 greater than the Lost Fair Market Value for Part NT as stated in Question 8?

Yes

No

If yes, go to Question 14 and enter the same amount that you entered for Question 8. Do not answer Question 13.

If no, answer Question 13.

13. If [curative measure] had been completed, would this have completely prevented the Lost Fair Market Value for [Part NT] that you entered for Question 8?

Yes

No

If yes, go to Question 14 and enter the same amount that you entered for Question 11.

If no, you must determine Severance Damages as follows: First, start with the Lost Fair Market Value for [Part NT] as stated in Question 8. Now determine how much of this loss in fair market value would have occurred if [the curative measure] had been completed. Enter that dollar amount below. To this number, add the amount that you entered for Question 11.

Loss in Fair Market Value for Part NT

if [Curative Measure] Had Been Completed $\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_

Cost of [Curative Measure] (amount from Q11) + $
 TOTAL $

Enter the total as your answer to Question 14, Severance Damages.

14. Severance Damages $

**Use Note**

This verdict form may be used when there are severance damage issues, special benefit issues and cost of cure issues. This verdict form corresponds with Instruction 27.06(B), Option B.

Question 1 is used when the jury must determine compensation for the value of the part *taken*. The rest of the questions on the verdict form are directed to compensation for severance damages to the part *not taken*. In a case where the value of the parcel taken is not at issue, Question 1 should be deleted and the remaining questions renumbered.

Question 1 asks the jury to determine the value of the part taken as of the date of taking. The question should be modified if the facts require greater precision to clarify that the value of the part taken should be assessed immediately prior to the severance and taking.