**27.11(B) Verdict Form: Severance Damages, with Cost of Cure Issues, but No Special Benefit Issues**

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

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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 10 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 10 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 fair market value caused by [government entity] taking [Part T]?

$

Now answer Question 5.

5. Was [curative measure] feasible?

Yes

No

If no, go to Question 10 and enter the same amount that you entered for Question 4. Do not answer Questions 6, 7, 8 or 9.

If yes, answer Question 6.

6. Would completion of [curative measure] prevent some or all of the decrease in the fair market value of [Part NT]?

Yes

No

If no, go to Question 10 and enter the same amount that you entered for Question 4. Do not answer Questions 7, 8 or 9.

If yes, answer Question 7.

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

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8. Is the reasonable cost of completing [the curative measure] as stated in Question 7 greater than the decrease in fair market value of [Part NT] as stated in Question 4?

Yes

No

If yes, go to Question 10 and enter the same amount that you entered for Question 4. Do not answer Question 9.

If no, answer Question 9.

9. Would completion of the [curative measure] completely prevent the decrease in fair market value in Part NT that you determined in Question 4?

Yes

No

If yes, go to Question 10 and enter the same amount that you entered for Question 7. Do not answer any other questions.

If no, you must determine Severance Damages as follows:

Start with the decrease in the fair market value for Part NT, as stated in the answer to Question 4. Determine the dollar amount of this decrease in fair market value that would have occurred even after completion of [curative measure]. Enter that number here: $

To this number, add the amount that you entered for Question 7 (the reasonable cost of completing the curative measure).

Enter the total on Question 10, Severance Damages.

10. Severance Damages $

**Use Note**

This verdict form may be used when there are severance damages issues and cost of cure issues, but no special benefit issues. This verdict form corresponds to Instruction 26.06(B), Option A.

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.