

EMINENT DOMAIN--INTRODUCTORY INSTRUCTION.

NOTE WELL: This introductory instruction can be used in any condemnation case.

Members of the jury, the [Department of Transportation] [state other private or local public condemnor], the [plaintiff] [defendant] in this case, has taken, for a public purpose, [property of the [state name of [plaintiff(s)] [defendant(s)]] [an easement on the property of the [state name of [plaintiff(s)] [defendant(s)]]]. The owner(s) of the [property] [easement] immediately before it was taken, [is] [are] the [plaintiff(s)] [defendant(s)] in this case. While the law permits the [Department of Transportation] [state other private or local public condemnor] to take private property without consent of the owner for a legitimate public purpose, the owner of the property taken must be paid just compensation for his loss. The amount of just compensation to which the [plaintiff(s)] [defendant(s)] [is] [are] entitled to recover from the [plaintiff] [defendant] is the sole issue before you in this case.

Here give such other preliminary instructions as are appropriate, e.g.:

Function of the Jury	N.C.P.I. Civil--101.05
Burden of Proof and Greater Weight of the Evidence	N.C.P.I. Civil--101.10
Credibility of Witness	N.C.P.I. Civil--101.15
Weight of the Evidence	N.C.P.I. Civil--101.20
Testimony of Expert Witness	N.C.P.I. Civil--101.25
Testimony of Interested Witness	N.C.P.I. Civil--101.30

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Photograph, Videotape, Motion Picture, X-Ray, Other Pictorial Representations; Map, Models, Charts--Illustrative and Substantive Evidence	N.C.P.I. Civil--101.40
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Duty to Recall Evidence	N.C.P.I. Civil--101.50
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*Here give instructions from the 835.00 series as are
appropriate.*