

13-1816. Personal property; repairs vs. before and after rule.

In determining property damages, you may award only the smaller of two figures which are calculated as follows:

One figure is the reasonable expense of necessary repairs to the property; and

The other figure is the difference between the fair market value of the property immediately before the occurrence and the fair market value of the unrepaired property immediately after the occurrence.

USE NOTES

This phrase is to be inserted between the first two bold paragraphs of UJI 13-1802 NMRA, when the evidence justifies its use.

This instruction is to be used when there is an issue as to whether the cost of repairs or the difference in value of the property before and after it is damaged is the lesser amount. When the cost of repairs is admittedly the lesser amount, use UJI 13-1813 NMRA; when the converse is true, use UJI 13-1814 NMRA.

This instruction may not be appropriate for damages to real estate or improvements thereon. See UJI 13-1819 NMRA.