

13-712. Fair rental value; definition.

Fair rental value is considered to be the highest amount of cash a willing owner would take and a willing tenant would offer for the lease of the property if it were offered for lease in the open market for a reasonable time to find a tenant, leasing with knowledge of all the uses to which the property was suitable or adaptable; the owner not being required to lease nor the tenant being required to rent.

The rent actually paid is one factor which you may consider, along with all the other evidence of fair rental value at the time of taking.

USE NOTE

This instruction should be used when there is an entire taking of property under lease for determination of just compensation for the tenant. It should also be used when there has been a partial taking and resulting damages to the tenant are to be determined, if the lease is not terminated by the partial taking.

This instruction is to be used with UJI 13-707 and 13-709 NMRA.