

13-706. Entire taking of leasehold; damages to landlord.

The owner of the property taken is also the landlord under a lease on the property for a term ending _____.

The owner-landlord is entitled to recover money damages for the total of the following:

- (1) The net rental loss due for cancellation of the lease for the remaining term;
- (2) The depreciated value of the improvements the landlord would have owned at the end of the lease term; and
- (3) The fair market value of the land at the end of the lease term.

All damages awarded for the above items shall be discounted to present value as of the date of taking.

The term "net rental loss", as used in this instruction, means the total rent payable by the tenant less the total expenses, if any, payable by the landlord for the balance of the lease term.

USE NOTE

When this instruction is given, the blank in the first paragraph will need to be completed.