



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Options as to Value

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Table of Contents

Options as to Value	3
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In addition to using comparable sales to determine the fair market value of the property taken by the condemner, and any incidental damages and incidental benefits to the remainder of the property, lay^[48] and expert witnesses^[49] can give opinion evidence on the value of the property being taken. Thus, the owner can give an opinion as to the fair market value of the property, but that opinion will be given little weight when founded on pure speculation.^[50]

The trial court has wide discretion in the admission of expert testimony on the value of real property.^[51] Nevertheless, the court cannot permit an expert to give an opinion as to the value of real property for a particular purpose, but should require the expert to base his or her opinion on the fair market value for all legitimate uses for which the property is available and reasonably adapted.^[52]

The expert witness may state his or her opinion as to the value of the property and the basis on which he or she arrived at that opinion.^[53] The answers given by the expert on cross examination may be considered by the court and jury in evaluating the opinion of the expert witness.^[54]

Neither the court nor the jury is bound by the opinion of the expert witness.^[55]

Notes:

[48] *State ex rel. Smith v. Livingston Limestone Co.*, *supra*; *Airline Construction, Inc. v. Barr*, 807 S.W.2d 247 (Tenn. Ct. App. 1990); *Hill v. U.S. Life Title Insurance Co. of New York*, 731 S.W.2d 910 (Tenn. Ct. App. 1986); *State ex rel. Moulton v. Blake*, 49 Tenn. App. 624, 357 S.W.2d 836 (1961).

[49] *Memphis Housing Authority v. Mid-South Title Co.*, *supra*.

[50] *Airline Construction, Inc. v. Barr*, *supra*.

[51] *Smith County v. Eatherly*, 820 S.W.2d 366 (Tenn. App. 1991); *State v. Rascoe*, *supra*; *State ex rel. Commissioner, Department of Transportation v. Veglio*, *supra*; *State ex rel. Moulton v. Blake*, *supra*.

[52] *Love v. Smith* *supra*; *Davidson County Board of Education v. First American National Bank*, *supra*; *Alloway v. City of Nashville*, *supra*; *Memphis Housing Authority v. Mid-South Title Co.*, *supra*.

[53] *State ex rel. Department of Transportation v. Brevard*, *supra*.

[54] *State ex rel. Department of Transportation v. Brevard*, *supra*.

[55] *State ex rel. Department of Transportation v. Brevard*, *supra*; *State ex rel. Moulton v. Blake*, *supra*.

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