

3903J Damage to Personal Property

To recover damages for harm to personal property, *[name of plaintiff]* must prove the reduction in the *[e.g., automobile]*'s value or the reasonable cost of repairing it, whichever is less. [If there is evidence of both, *[name of plaintiff]* is entitled to the lesser of the two amounts.]

[However, if you find that the *[e.g., automobile]* can be repaired, but after repairs it will be worth less than it was before the harm, the damages are (1) the difference between its value immediately before the harm and its lesser value immediately after the repairs have been made; plus (2) the reasonable cost of making the repairs. The total amount awarded may not exceed the *[e.g., automobile]*'s value immediately before the harm occurred.]

To determine the reduction in value if repairs cannot be made, you must determine the fair market value of the *[e.g., automobile]* immediately before the harm occurred and then subtract the fair market value immediately after the harm occurred.

“Fair market value” is the highest price that a willing buyer would have paid to a willing seller, assuming:

- 1. That there is no pressure on either one to buy or sell; and
- 2. That both buyer and seller have reasonable knowledge of all relevant facts about the condition and quality of the *[e.g., automobile]*.