

**1805 PROPERTY: DAMAGE TO NONREPAIRABLE PROPERTY**

When property, such as (type), has been damaged and cannot be economically repaired, the loss to the owner is determined by the "Fair Market Value" rule. This rule measures the difference between the fair market value of the property immediately before the \_\_\_\_\_ and its fair market value immediately after the \_\_\_\_\_.

"Fair market value" is the amount property will sell for where the owner is willing but not required to sell the property to a buyer willing but not required to buy the property.

Evidence of the reasonable cost of repairs may be considered by you in determining the decrease in the fair market value of the (property) as a result of the \_\_\_\_\_.

**COMMENT**

This instruction and comment were approved in 1977 and revised in 1997 and 2010.

See Comment to Wis JI-Civil 1804.

For definition of "market value," see Kremer v. Rule, 216 Wis. 331, 257 N.W. 166 (1934).

Reasonable cost of repair may be shown as bearing upon the diminution in the value of the vehicle resulting from the injury. McCormick, Damages § 124 at 472 (1935); Krueger v. Steffen, 30 Wis.2d 445, 449, 141 N.W.2d 200 (1966); Chapleau v. Manhattan Oil Co., 178 Wis. 545, 550, 190 N.W. 361 (1922); Vetter v. Rein, 203 Wis. 499, 502, 234 N.W. 712 (1931).