**20.14 CONVERSION, LOSS, OR DESTRUCTION OF PROPERTY**

The (first, second, etc.) item of claimed loss is the value of the plaintiff's (insert item of property) (lost) destroyed) (taken and not returned) by the defendant. The plaintiff is entitled to be compensated for the fair market value of the (insert item of property) at the time it was (lost) (destroyed) (taken). In a moment I will explain how to measure the fair market value.

# **Use Note**

This instruction should be used when the measure of damages is the full value of property taken or destroyed. It should be used with Instruction 20.17A (Fair Market Value Defined).

# **Comment**

A similar instruction was approved in *Gregory v. Padilla*, 379 P.2d 951, 956 n.14 (Alaska 1963).

When property has no market value, or the value of the property to the owner is greater than the market value, a different standard applies. In these situations, the measure of damages is the value to the owner. The value to the owner is the value based on actual monetary loss that results from depriving the owner of the property. The value to the owner may be based on such things as the cost of replacement, the property’s original cost, and the cost to reproduce the property. *Landers v. Municipality of Anchorage*, 915 P.2d 614, 617-18 (Alaska 1996) (discussing the measure of damages for loss of family photographs and videotapes with no market value). *See also Mitchell v. Heinrichs*, 27 P.2d 309, 313-14 (Alaska 2001) (damages for loss of pet dog). The plaintiff cannot recover damages for loss of the sentimental value of personal property unless the plaintiff proves the elements required for intentional infliction of emotional distress. *Landers*, 915 P.2d at 619-20.