

**78B-6-512 Damages -- When right has accrued -- Mitigation or reduction -- Improvements.**

- (1) For the purpose of assessing compensation and damages, the right to compensation and damages shall be considered to have accrued at the date of the service of summons, and its actual value at that date shall be the measure of compensation for all property to be actually taken, and the basis of damages to property not actually taken, but injuriously affected, in all cases where damages are allowed, as provided in Section 78B-6-511.
- (2) The court or the jury shall consider mitigation or reduction of damages in its assessment of compensation and damages if, after the date of the service of summons, the plaintiff:
  - (a) mitigates the damages to the property; or
  - (b) reduces the amount of property actually taken.
- (3) Improvements put upon the property by the property owner subsequent to the date of service of summons may not be included in the assessment of compensation or damages.

Renumbered and Amended by Chapter 3, 2008 General Session