

# Commonwealth Of Kentucky

## Court Of Appeals

NO. 1997-CA-003212-MR

JEREMY STRATTON;  
SCOTT BLAKE; AND  
MORRIS BLAKE

APPELLANTS

v. APPEAL FROM CHRISTIAN CIRCUIT COURT  
HONORABLE EDWIN WHITE, JUDGE  
ACTION NO. 96-CI-00659

ORLANDO GIANNINI

APPELLEE

### OPINION

### AFFIRMING

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BEFORE: EMBERTON, GARDNER, AND MILLER, JUDGES.

MILLER, JUDGE: Jeremy Stratton ("Stratton"), Scott Blake, and Morris Blake (sometimes referred to as "appellants"), bring this appeal from a final judgment of the Christian Circuit Court entered on November 19, 1997, following a jury verdict awarding the appellee, Orlando Giannini (Giannini) \$9,949.00 for property damage to his automobile. We affirm.

On August 25, 1995, a truck driven by Stratton struck the rear of a 1993 Oldsmobile Cutlass driven by Giannini. Neither driver suffered physical injuries, but both vehicles were

damaged. On July 24, 1996, seeking compensation for property damage to his automobile, Giannini brought a civil action against Stratton and the truck's legal owners--Scott Blake and Morris Blake. The appellants then filed a counterclaim seeking compensation for damage to the truck.

During the trial (September 25, 1997), Giannini attempted to establish the amount of property damage by testifying as to the fair market value of his '93 Cutlass before and after the accident. Giannini indicated that--based on an appraisal he received following the accident--the difference in the fair market value of his vehicle was \$9,949.00. Ultimately, the jury found Stratton solely responsible for the accident (100% at fault) and awarded Giannini \$9,949.00 for the damage to his vehicle. The appellants filed motions for a new trial and for judgment notwithstanding the verdict, both of which were denied by the trial court on November 19, 1997. This appeal followed.

Upon appeal, appellants argue that Giannini failed to properly establish the amount of damage to his automobile. During trial, Giannini attempted to establish the amount of property damage solely through his testimony. Appellants contend that the trial court erred by allowing Giannini to testify about the fair market value of his vehicle. More specifically, they argue that Giannini was not competent to testify as to the monetary amount of property damage to his vehicle.<sup>1</sup>

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<sup>1</sup>Appellants have not appealed the jury's finding of liability.

Generally, every person is assumed competent to testify, and a witness may testify about all matters of which he has personal knowledge. Kentucky Rules of Evidence 601 and 602. It is well-established that a witness may testify about the value of his property, including a vehicle's fair market value. General Exchange Insurance Corporation v. Branham, 296 Ky. 711, 178 S.W.2d 409 (1944), and Bruner v. Gordon, 309 Ky. 29, 214 S.W.2d 997 (1948). As the Court stated in Carpenter v. Haydon, Ky., 447 S.W.2d 351, 352 (1969):

This court has long taken the practical view that an ordinary witness who testifies that he knows the market value of an automobile is competent to express his view of such value and is not required to be an expert or have special qualifications for that purpose [citation omitted].

See also Sharaga v. Auto Owners Mutual Insurance Company, 831 S.W.2d 248, 252 (Mo. App. 1992) (holding that "owner is presumed competent to testify as to the reasonable value of his personal property prior to its damage or destruction without further qualification"), and Glazer v. Quittman, 377 N.Y.S.2d 913, 914, 84 Misc.2d 561 (1975) (holding that owner is competent to testify on value of automobile without any special knowledge of values generally). Appellants contend that Giannini was not competent to testify about the post-accident value of his automobile because he did not have personal knowledge of its fair market value either before or after the accident. We disagree.

In the case at bar, Giannini testified that he had purchased his '93 Cutlass approximately two years before the accident. Shortly after the accident, the vehicle was appraised

to determine its value. Based on the appraisal, Giannini testified as to the Cutlass's fair market value. He stated that it had a value of \$12,085.00 before the accident, that it was sold for salvage for \$2,136.00, and the resulting difference was \$9,949.00. These amounts, he claimed, represented his opinion of the vehicle's fair market value before and after the accident. Although Giannini exhibited some confusion during his testimony, this goes to the weight of the evidence, rather than to his competency to testify. We cannot say the trial court erred in allowing Giannini's testimony and in finding him competent to testify as to the Cutlass's value.

For the foregoing reasons, the judgment of the Christian Circuit Court is affirmed.

ALL CONCUR.

BRIEF FOR APPELLANT:

Kenneth E. Dillingham  
Elkton, Kentucky

BRIEF FOR APPELLEE:

Mark D. Alcott  
Bowling Green, Kentucky