



This Bill Analysis reflects the contents of the bill as it was presented in committee.

SENATE BILL 228: Private Condemnation/Withdraw Deposit.

2023-2024 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	March 28, 2023
Introduced by:	Sens. Sawrey, Craven, B. Newton	Prepared by:	Bill Patterson
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 228 would provide that in a private condemnation action where title is not in dispute, the person named in the complaint may apply to the court for disbursement of all or any part of the money deposited with the clerk, without notice to the condemnor and without prejudice to further proceedings to determine just compensation.

CURRENT LAW: In condemnation actions by private condemnors, at the time of the filing of the report of the commissioners, the condemnor may deposit with the clerk the amount determined by the commissioners to be the fair market value of the property taken. Upon doing so the condemnor may take possession of the property, pending final judgment. Within 60 days after final judgment, the condemnor must pay the property owner the amount ultimately awarded as just compensation.

In condemnation actions by public condemnors, where there is no dispute as to title, the person named in the complaint may apply to the court for disbursement of all or any part of the amount deposited by the condemnor with the clerk, without notice to the condemnor and without prejudice to further proceedings in that action to determine just compensation.

BILL ANALYSIS: Section 1 of Senate Bill 228 would provide that in condemnation actions brought by private condemnors, where there is no dispute as to title, the person named in the complaint may apply to the court for disbursement of all or any part of the money deposited with the clerk, without notice to the condemnor and without prejudice to further proceedings to determine just compensation.

EFFECTIVE DATE: This act becomes effective October 1, 2023, and applies to condemnation proceedings initiated on or after that date.

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