



SENATE BILL 228: Private Condemnation/Withdraw Deposit.

2023-2024 General Assembly

Committee:	Senate Rules and Operations of the Senate	Date:	March 29, 2023
Introduced by:	Sens. Sawrey, Craven, B. Newton	Prepared by:	Bill Patterson
Analysis of:	Second Edition		Staff Attorney

OVERVIEW: *Senate Bill 228 would provide that in a private condemnation action where title is not in dispute, and where the person named in the complaint does not challenge the condemnor's right to acquire the property, that person 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. 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, and where the person named in the complaint does not challenge the condemnor's right to acquire the property, 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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Legislative Analysis
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