

GENERAL ASSEMBLY OF NORTH CAROLINA  
SESSION 2003

H

D

HOUSE DRH70264-LB-202A (3/28)

Short Title: Defendants Costs in Condemnation Awards.

(Public)

Sponsors: Representative Allred.

Referred to:

A BILL TO BE ENTITLED

AN ACT TO ALLOW DEFENDANTS IN CONDEMNATION ACTIONS TO RECOVER REASONABLE ATTORNEYS' FEES AND REASONABLE EXPENSES FOR SURVEYS AND APPRAISALS IF THE JUDGMENT IS MORE THAN THE AMOUNT DEPOSITED BY THE CONDEMNOR.

The General Assembly of North Carolina enacts:

**SECTION 1.** Article 3 of Chapter 40A of the General Statutes is amended by adding a new section to read:

**"§ 40A-57. Costs.**

If the judgment for an amount determined as just compensation, or the total award of the commissioners under G.S. 40A-48, is greater than the deposit made by the condemnor, then the owner of the property taken is entitled to the following costs:

(1) Reasonable attorneys' fees.

(2) Reasonable expenses for surveys and appraisals made in conjunction with the defense of the action."

**SECTION 2.** Article 9 of Chapter 136 of the General Statutes is amended by adding a new section to read:

**"§ 136-121.2. Costs.**

If the judgment for an amount determined as just compensation, or the total award of the commissioners under G.S. 136-109, is greater than the deposit made by the condemnor, then the owner of the property taken is entitled to the following costs:

(1) Reasonable attorneys' fees.

(2) Reasonable expenses for surveys and appraisals made in conjunction with the defense of the action."

**SECTION 3.** This act is effective with respect to any condemnation actions filed on or after the date this act becomes law.