

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2003**

H

1

HOUSE BILL 1018

Short Title: Defendants Costs in Condemnation Awards. (Public)

Sponsors: Representative Allred.

Referred to: Judiciary I.

April 10, 2003

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW DEFENDANTS IN CONDEMNATION ACTIONS TO
3 RECOVER REASONABLE ATTORNEYS' FEES AND REASONABLE
4 EXPENSES FOR SURVEYS AND APPRAISALS IF THE JUDGMENT IS MORE
5 THAN THE AMOUNT DEPOSITED BY THE CONDEMNOR.

6 The General Assembly of North Carolina enacts:

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

9 "**§ 40A-57. Costs.**

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

13 (1) Reasonable attorneys' fees.

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

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

18 "**§ 136-121.2. Costs.**

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

22 (1) Reasonable attorneys' fees.

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

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