

**GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2007**

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SENATE BILL 704

Short Title: Eminent Domain Attorneys' Fees/Costs. (Public)

Sponsors: Senators Goodall; Brock, Hunt, Pittenger, Smith, and Tillman.

Referred to: Judiciary II (Criminal).

March 14, 2007

1 A BILL TO BE ENTITLED
2 AN ACT TO ALLOW ATTORNEYS' FEES AND COSTS OF COURT TO THE
3 PROPERTY OWNER IN CONDEMNATION ACTIONS WHERE THE AMOUNT
4 OF THE JUDGMENT EXCEEDS THE FUNDS DEPOSITED BY THE
5 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. Attorneys' fees.**

10 If the final judgment is greater than the amount deposited by the condemnor
11 pursuant to this Article, the owner shall be entitled to attorneys' fees and costs of court."

12 **SECTION 2.** Article 2 of Chapter 40A of the General Statutes is amended
13 by adding a new section to read:

14 **"§ 40A-35. Attorneys' fees.**

15 If the final judgment is greater than the amount deposited by the condemnor
16 pursuant to this Article, the owner shall be entitled to attorneys' fees and costs of court."

17 **SECTION 3.** Article 9 of Chapter 136 of the General Statutes is amended by
18 adding a new section to read:

19 **"§ 136-121.2. Attorneys' fees.**

20 If the final judgment is greater than the amount deposited by the condemnor
21 pursuant to this Article, the owner shall be entitled to attorneys' fees and costs of court."

22 **SECTION 4.** This act becomes effective October 1, 2007.