

GENERAL ASSEMBLY OF NORTH CAROLINA
SESSION 2013

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HOUSE BILL 272

Committee Substitute Favorable 4/4/13
Committee Substitute #2 Favorable 4/16/13
Fourth Edition Engrossed 4/17/13

Short Title: DOT Condemnation Changes.

(Public)

Sponsors:

Referred to:

March 12, 2013

1 **A BILL TO BE ENTITLED**

2 AN ACT TO PROVIDE THAT INTEREST ON A DOT CONDEMNATION AWARD
3 SHALL BE PAID FROM THE DATE OF TAKING UNTIL THE DATE THE
4 JUDGMENT IS PAID AND TO AUTHORIZE A DEFENDANT IN SUCH AN ACTION
5 TO RECOVER ATTORNEYS' FEES AND COSTS IF THE JUDGMENT EXCEEDS
6 THE DEPOSIT BY TWENTY-FIVE PERCENT OR MORE.

7 The General Assembly of North Carolina enacts:

8 **SECTION 1.** G.S. 136-113 reads as rewritten:

9 **"§ 136-113. Interest as a part of just compensation.**

10 To said amount awarded as damages by the commissioners or a jury or judge, the judge
11 shall, as a part of just compensation, add interest at the legal rate as provided in G.S. 24-1 on
12 said amount from the date of taking to the date ~~of judgment; the judgment is paid;~~ but interest
13 shall not be allowed from the date of deposit on so much thereof as shall have been paid into
14 court as provided in this Article."

15 **SECTION 2.** G.S. 136-119 reads as rewritten:

16 **"§ 136-119. Costs and appeal.**

17 (a) The Department of Transportation shall pay all court costs taxed by the court. Either
18 party shall have a right of appeal to the Supreme Court for errors of law committed in any
19 proceedings provided for in this Article in the same manner as in any other civil actions and it
20 shall not be necessary that an appeal bond be posted.

21 (b) The court having jurisdiction of the condemnation action instituted by the
22 Department of Transportation to acquire real property by condemnation shall award the owner
23 of any right, or title to, or interest in, such real property such sum as will in the opinion of the
24 court reimburse such owner for his reasonable cost, disbursements, and expenses, including
25 reasonable attorney fees, appraisal, and engineering fees, actually incurred because of the
26 condemnation proceedings, ~~if (i) the~~if any of the following apply:

27 (1) The final judgment is that the Department of Transportation cannot acquire
28 real property by condemnation; or (ii) the condemnation.

29 (2) The proceeding is abandoned by the Department of Transportation.

30 (3) The final judgment exceeds the amount of the initial deposit by twenty-five
31 percent (25%) or more. Attorneys' fees awarded pursuant to this subdivision
32 shall not exceed one-third of the difference between the judgment award,
33 plus interest, and the initial deposit.



1 (c) The judge rendering a judgment for the plaintiff in a proceeding brought under
2 G.S. 136-111 awarding compensation for the taking of property, shall determine and award or
3 allow to such plaintiff, as a part of such judgment, such sum as will in the opinion of the judge
4 reimburse such plaintiff for his reasonable cost, disbursements and expenses, including
5 reasonable attorney, appraisal, and engineering fees, actually incurred because of such
6 proceeding."

7 **SECTION 3.** This act becomes effective July 1, 2014, and applies to condemnation
8 actions filed on or after that date.