

# 2001 SESSION

INTRODUCED

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## SENATE BILL NO. 1123

Offered January 10, 2001

Prefiled January 10, 2001

*A BILL to amend the Code of Virginia by adding a section numbered 25-46.32:1, relating to eminent domain; payment of litigation expenses.*

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Patron—Edwards

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Referred to Committee for Courts of Justice

### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 25-46.32:1 as follows:**

*§ 25-46.32:1. Litigation expenses.*

*A. As used in this section, "litigation expenses" means the costs, disbursements, and expenses, including attorney fees, appraisal fees, and fees for expert testimony, necessary to prepare for anticipated, or to participate in, court proceedings incurred by the condemnee in connection with an action to determine the issue of just compensation for a taking or damaging of property under exercise of the power of eminent domain.*

*B. If the amount of just compensation, awarded to the condemnee by the judgment, exclusive of interest and costs, exceeds the amount specified in the highest written offer of settlement made by the condemnor, the condemnee shall be entitled to an order for the condemnor to pay the condemnee's reasonable litigation expenses actually incurred because of the court proceedings on the issue of just compensation, up to thirty-three and one-third percent of the amount awarded that exceeds the highest written offer of settlement made by the condemnor.*

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