

# VIRGINIA ACTS OF ASSEMBLY -- 1997 RECONVENED SESSION

## CHAPTER 865

*An Act to amend and reenact § 33.1-128 of the Code of Virginia, relating to awards in certain condemnation proceedings.*

[H 2334]

Approved April 2, 1997

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

**1. That § 33.1-128 of the Code of Virginia is amended and reenacted as follows:**

§ 33.1-128. Awards in greater or lesser amounts than deposit; interest.

In the event of an award in a condemnation proceeding being of a greater amount than that deposited by virtue of a certificate, the excess amount, together with interest accrued on such excess amount at the general account composite rate, compiled by the Department of the Treasury of Virginia for the month in which the award is rendered, computed from the date of such deposit to the date of payment into court, shall be paid into court for the person or persons entitled thereto, except that any interest which accrued before July 1, 1970, shall be paid at the rate of five percent, and interest accruing thereafter and prior to July 1, 1981, shall be paid at the rate of six percent, and any interest accruing thereafter and prior to July 1, 1994, shall be paid at the rate of eight percent. ~~In no other instance shall interest be allowed on any award.~~ In the event of an award in a condemnation proceeding being of a lesser amount than that deposited with the court, *and the person or persons entitled thereto have received the funds deposited with the court pursuant to § 33.1-124*, the Commissioner shall recover the amount of such excess *and interest on such excess at the general account composite rate* and, if any person has been paid a greater sum than that to which he is entitled as determined by the award, judgment shall be entered for the Commissioner against such person for the amount of such excess *and interest*.