STARK & STARK

ATTORNEYS AT LAW

SUMMARY OF CONDEMNATION CASE

(Major steps only)

Inspection by Appraiser

- Notice must be given to owner
- Owner has right to be present at time of inspection

Bona Fide Negotiations

- Written offer to purchase property
- Not less than appraised amount
- "14 day" letter

Lawsuit

- Verified complaint
- Order to show cause
- Service of process

Now or Later?

Vesting of Title and Possession

- Declaration of taking
- Deposit of funds
- Notice to owner
- Order for possession

Withdrawal of funds

- No prejudice
- Environmental escrow

Relocation Benefits

- WRAP
- 12 months from permanent resettlement

Initial Hearing

- Limited issue: right to take property
- Appoint commissioners – three, one is attorney

Appeal

- Appealable as of right
- Seek Stay

Commissioners' Hearing

- Report due within four months of appointment (can be extended)
- Must appear to appeal

Trial De Novo

- Must file notice of appeal – 20 days
- Judge or jury

Appeal Value to App. Div.

Allocation Proceedings

- Owners, tenants, mortgagees, ect.