

eCourts FAQs for Attorneys: Condemnation

Updated January 2023



Type	Question	Response
Condemnation Actions	<p>With the filing of a condemnation Complaint and Declaration of Taking, a condemnor deposits with the Clerk of Court its estimate of just compensation for the takings described in the Complaint and Declaration of Taking. In most condemnation cases initiated by the City of Raleigh, the deposit is in the tens of thousands of dollars, and in some circumstances in the hundreds of thousands of dollars. Given that, it seems impractical to require that the deposit in a condemnation case be made by credit card payment.</p> <p>Is it possible, in the filing of a condemnation Complaint and Declaration of Taking, for the filing fees and deposit to be paid to the Clerk of Court by check as is the current process? If so, when would the filing fee and deposit need to be paid into the Clerk's Office relative to the time when a condemnation Complaint and Declaration of Taking is e-filed?</p> <p>Can such payment be made in person on the same day that the Complaint and Declaration of Taking is e-filed with the Court?</p>	<p>Filer can pay online with an e-check. Since File & Serve does not limit payments only to e-check, if a credit card payment comes through we would have to refund. DOT has assured us they would not pay by credit card. We are not sure about other agencies.</p>

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Condemnation Actions	<p>When a condemnation Complaint and Declaration of Taking is filed, a condemner also files a Memorandum of Action that is then to be recorded in the land records of the applicable county to place the public on notice of the acquisition of the property rights taken with the filing of the condemnation action. In order to record the filed Memorandum of Action with a local Register of Deeds Office, a certified true copy of the file-stamped Memorandum of Action is required. With the e-filing of a Memorandum of Action in a condemnation action, what will be the process for a condemner to obtain a certified true copy of a file-stamped Memorandum of Action in order to record the same?</p>	<p>The filer can choose the option to get Certified Copies - E-Filing in Additional Services when filing through File & Serve. File & Serve only assesses the fees and charges the payment account based on the number of certified copies requested. The certified copies will be provided by the clerk's office.</p>
Condemnation Actions	<p>Condemners traditionally cite the filed stamp date on the Complaint and Declaration of Taking as evidence of the "date of taking" in a condemnation lawsuit. What substitute information can the City of Raleigh rely upon as evidence of the "filed stamp date"?</p>	<p>File & Serve has a file stamp "Electronically Received Date" at the footer of the ACCEPTED copy.</p>
Condemnation Actions	<p>When it files a condemnation Complaint and Declaration of Taking, the City of Raleigh attaches as an exhibit to the Complaint and Declaration of Taking a map that depicts the easements taken with the filing of the condemnation action. Will the e-filing system accept multiple document formats if exhibits (such as a map or photographs) attached to filings are in formats other than Adobe? If so, what formats will the e-filing system accept? Or will the e-filing system only accept the Adobe format?</p>	<p>Adobe is preferred but MS Word can be used to save a PDF. Images can be converted to a PDF as well or can be copied into MS Word and then be saved as a PDF.</p>

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Condemnation Actions	<p>After a condemnation action is initiated, a condemnor is required by statute to file a takings plat in the case which serves as both direct and illustrative evidence.</p> <p>Typically, the City files in person with the Court a signed original of a takings plat that is 24" x 36" in size. With the advent of e-filing, how will takings plats be filed with the Court in accord with statutory requirements?</p> <p>Will condemnors be permitted to continue to file in-person with the Clerk's Office, separate from the e-filing system, signed originals of takings plats that are, for example, 24" x 36" in size?</p>	<p>Filers would need to deliver a copy of plats to the clerk's office to file.</p>
Condemnation Actions	<p>Condemnation cases, if settled pre-trial, are resolved by a Consent Judgment signed by the attorneys representing the parties and a Superior Court Judge. Currently, we submit proposed Consent Judgments by email to the Wake County Superior Court Judges' Office to obtain the signature of a Superior Court Judge. Once signed by a Superior Court Judge, the Superior Court Judge's Office has the Consent Judgment filed. The file-stamped Consent Judgment is then emailed to the attorneys for the parties with the condemnor's attorney then serving the file-stamped Consent Judgment on all of the parties to the lawsuit. How will this process for obtaining a Superior Court Judge's signature on a Consent Judgment, and having the Consent Judgment filed, change with e-filing?</p>	<p>A consent order can be submitted via File & Serve as a proposed order filing and the clerk/reviewer could route it according to the judge for signature.</p> <p>Processes have been worked to address proposed orders where they can be filed through File & Serve and routed to the judge (or judge's office) for review/signature if needed.</p>