

Condemnee Commonly Asked Questions:

Q. When does the condemnor take possession of the property?

A. The condemnor, after the filing of the Declaration of Taking (“Declaration”), shall be entitled to possession or right of entry upon the deposit of the amount of estimated just compensation.

Q. What is a preliminary objection (RSA 498-A:9-a and b)?

A. An objection to: 1) the sufficiency of the security; 2) procedures followed by the condemnor; or 3) the necessity, public use, and net-public benefit of the taking.

Q. When and where will a just compensation hearing be held?

A. Typically, a just compensation hearing is scheduled approximately one year from the date the Declaration was filed and the hearings are held in the county in which the property is located.

Q. Does the board take a view of the property?

A. Pursuant to RSA 498-A:19, the board in any case may, and at the request of a party, shall take a view of the property. The view is generally taken on the day of the hearing unless other arrangements have been made.

Q. Do I need an attorney at the just compensation hearing before the board?

A. No. Condemnees often represent themselves while others do retain attorneys to represent their interests.

Q. What do I do if I do not agree with the board’s decision on compensation?

A. If you do not agree with the amount of damages awarded by the board, a petition must be filed in the superior court of the county where the Property is located. This petition must be filed within twenty (20) days from the date of the board’s decision. See RSA 498-A:27.

Q. What happens to the just compensation check once it is filed with the board?

A. The deposit of damages is deposited in an account for the benefit of the named condemnee(s).

Q. When is the deposit of damages available to the condemnee(s)?

A. Once the Declaration and deposit of damages are filed with the board, the condemnee(s) may request the deposit. However, a condemnee who withdraws the deposit before the timelines have passed regarding preliminary objections (thirty days from the return date) results in a waiver of all objections and defenses, except for any claim to greater compensation.

Q. How do I withdraw the deposit of damages?

- A. A written request to withdraw the deposit of damages must be submitted to the Board. If more than one condemnee is listed, (*i.e.*, mortgagee, municipal tax lien), the Board shall notify all condemnees of the request, and provide ten (10) days for any objections to the withdrawal. If no objection is filed, the board will issue the check made payable to all named condemnees. It will be the responsibility of the recipient of the check to obtain all endorsements and signatures.