

**HOUSE**

**AMENDMENT NO. \_\_\_\_\_**

**Offered by**

**of**

1 AMEND Senate Bill No. 71, Page 2, Section 339.1115, Line 22, by  
2 inserting after all of said line the following:

3 "523.040. 1. The court, or judge thereof in vacation, on  
4 being satisfied that due notice of the pendency of the petition  
5 has been given, shall appoint three disinterested commissioners,  
6 who shall be residents of the county in which the real estate or  
7 a part thereof is situated, and in any city not within a county,  
8 any county with a charter form of government and with more than  
9 one million inhabitants, or any county with a charter form of  
10 government and with more than six hundred thousand but fewer than  
11 seven hundred thousand inhabitants at least one of the  
12 commissioners shall be either a licensed real estate broker or a  
13 state-licensed or state-certified real estate appraiser, to  
14 assess the damages which the owners may severally sustain by  
15 reason of such appropriation, who, within forty-five days after  
16 appointment by the court, which forty-five days may be extended  
17 by the court to a date certain with good cause shown, after  
18 applying the definition of fair market value contained in  
19 subdivision (1) of section 523.001, and after having viewed the  
20 property, shall return to the clerk of such court, under oath,  
21 their report in duplicate of such assessment of damages, setting  
22 forth the amount of damages allowed to the person or persons  
23 named as owning or claiming the tract of land condemned, and  
24 should more than one tract be condemned in the petition, then the  
25 damages allowed to the owner, owners, claimant or claimants of  
26 each tract, respectively, shall be stated separately, together  
27 with a specific description of the tracts for which such damages  
28 are assessed; and the clerk shall file one copy of said report in  
29 his office and record the same in the order book of the court,

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Action Taken \_\_\_\_\_ Date \_\_\_\_\_

1 and he shall deliver the other copy, duly certified by him, to  
2 the recorder of deeds of the county where the land lies (or to  
3 the recorder of deeds of the city of St. Louis, if the land lies  
4 in said city) who shall record the same in his office, and index  
5 each tract separately as provided in section 59.440, and the fee  
6 for so recording shall be taxed by the clerk as costs in the  
7 proceedings; and thereupon such company shall pay to the clerk  
8 the amount thus assessed for the party in whose favor such  
9 damages have been assessed; and on making such payment it shall  
10 be lawful for such company to hold the interest in the property  
11 so appropriated for the uses prescribed in this section; and upon  
12 failure to pay the assessment, the court may, upon motion and  
13 notice by the party entitled to such damages, enforce the payment  
14 of the same by execution, unless the said company shall, within  
15 ten days from the return of such assessment, elect to abandon the  
16 proposed appropriation of any parcel of land, by an instrument in  
17 writing to that effect, to be filed with the clerk of the court,  
18 and entered on the minutes of the court, and as to so much as is  
19 thus abandoned, the assessment of damages shall be void.

20 2. Prior to the issuance of any report under subsection 1  
21 of this section, a commissioner shall notify all parties named in  
22 the condemnation petition no less than ten days prior to the  
23 commissioners' viewing of the property of the named parties'  
24 opportunity to accompany the commissioners on the commissioners'  
25 viewing of the property and of the named parties' opportunity to  
26 present information to the commissioners.

27 3. The commissioners shall view the property, hear  
28 arguments, and review other relevant information that may be  
29 offered by the parties."; and

30 Further amend said title, enacting clause and intersectional  
31 references accordingly.