

HOUSE**AMENDMENT NO. _____****Offered by _____****of _____**

1 AMEND House Committee Substitute for Senate Bill No. 145, Page 6,
 2 Section 488.026, Line 12, by inserting after all of said line the
 3 following:

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

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

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

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

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