



CONDEMNATION PACKETS

DONE THE RIGHT WAY BY RIGHT OF WAY

How to Make Your Local Condemnation Attorney Happy

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And

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The

Practically Perfect Parcel Packet

- All persons of interest, ...in the property, that is.
 - **Includes...The owner, the lessee, the mortgage holder, the lien holder.**
- Complete listing of Encumbrances: Mortgages, Tax Liens, Lis Pendens Judgments, etc.
- Complete copies of all documentation: All source deeds, encumbrances, Articles of Incorporation, Articles of Organization, any Operating Agreements, Wills, or Trusts
- Accurate Property Descriptions, Proper number of colored plan sheets
- Correct Street Addresses, Project Numbers, and Items Numbers
- Notations of any disputes or unusual information
- Properly prepared proposed deed

Persons of Interest

- Name and address of property owner(s). This is their PHYSICAL address.
- Names and Addresses must be accurate and up-to-date. No one wants to be called Mr. and Mrs. Ring, when their name is Mr. & Mrs. Bell.


What you are about to see is REAL.....
the names have not been changed to
protect the innocent.





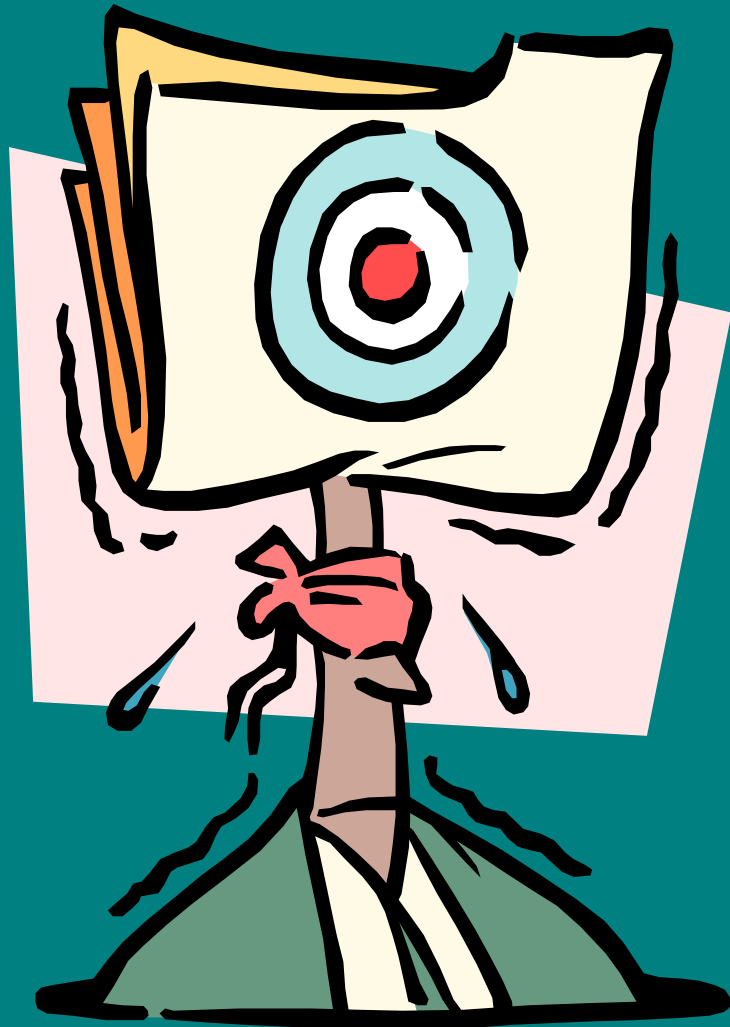
- ◇ Incorrect/incomplete Name: not listed as shown in deed.
- ◇ Wrong owner given. 📢
- ◇ Name on the prepared deed is not the same as the name as on prior (source) deed
 - ◇ If it is the same person, and make sure it is, use both the previous name AND current name with an A/K/A.
- ◇ Wrong spouse name given: misspelled name of spouse or wrong person given



- ◇ Marital Status not given: spouse not always included
- ◇ Incorrect or old address  given for property owner(s)
- ◇ No physical address when there is a P.O. Box no. Remember no one actually lives IN their PO Box, so the Sheriff won't even think to look there when serving the subpoena.



- An example being: One husband, divorced, remarried, both wives living, one wife's name is Gwendolyn, the other is simply Lynn, DO NOT, I REPEAT, do not assume these are the same two people!! This can be a very sensitive situation...you need to verify the names during negotiations.



- AND ALWAYS, Keep in mind, we need, **JUST THE FACTS**, ma'am, No gossip.
- Provide ALL people with an interest in the property at the very beginning to prevent **UNNECESSARY** delay.

- ◇ In the event owners have two homes give address of both – *i.e. residence and vacation home.*



SHOW HOW PROPERTY IS TO BE TAKEN

- ◇ Total Taking v. Partial Taking
- ◇ Type of taking
 - *Fee simple*
 - *Permanent Easement*
 - *Temporary Easement*

What are we taking....hm.....?

- ◇ Provide correct information. Is this a *total take* of ownership rights (fee simple taking) OR a *partial taking* (i.e., permanent or temporary easement, a part of the total ownership rights)? The way to show the taking is by inserting "being a portion of" for the partial taking or "being all of" or "being all of the same property conveyed to"
- ◇ What kind of access is allowed on the property? Is it limited access, access by permit, or access as shown on the plans? SPECIFY!!!!

DESCRIPTION OF PROPERTY

- ◇ Provide electronic copy of legal description of property. Be sure that the electronic copy is converted to WORD so that we have an exact description that is compatible with our office computers.
- ◇ Provide the information showing how much land is being taken and type of taking as well as the source of title in the electronic copy of the legal description.
 - NOTE no deed should reflect the land is being taken for right of way. That means it is taken in fee simple.

PLANSHEETS...



- ◇ Plan sheets are not colored correctly
- ◇ Not enough plan sheets provided- a good way to remember how to count the numbers is by:
 - always giving one copy to the attorney file,
 - one copy for the Court file,
 - one copy for each Defendant (including husbands and wives, each lien-holder,
 - each additional party asserting an interest,



MORE PLAN SHEETS

- and an extra copy for the Commissioners
 - ◇ *(this has been requested in a few counties so we just made it a policy to always provide an extra copy for the other Courts)*
- Always check the boundaries -
 - ◇ if the property owner is questioning the correctness of the boundaries that we have provided on the plan place this information in packet with a red flag or something to bring it to our knowledge at the onset
- Make sure the taking is consistent on all documents, draft deed, plan sheets, appraisal, etc. throughout the packet.

TITLE REPORTS



Complete copies of all deeds, mortgages, easements, leases, etc., referenced in the title reports must be included

- ◇ *(this is probably the duty of the title attorney but the report as well as all above instruments must be included in the packet). If not you, then who?!*
- ◇ Names and Addresses of all persons having an interest in the property. Specify the type of interest each person has.
- ◇ Specify marital status of each person.
- ◇ Take care to include ALL information about the corporate interest holder, especially LLCs.

Title Reports II

- ◇ Make sure the right title is included and it matches the source of title that you are providing.
- ◇ Investigate mortgages, easements, taxes, not just simply by verifying the information with the property owner, but check the information at an official source.
- ◇ If the owner is an LLC, you will always need the Articles of Organization. The LLC may also have an Operating Agreement. If it does, include a complete copy of that also.

ENCUMBRANCES PAST PROBLEMS



- ◇ Incomplete name of mortgage holders or lessees
- ◇ Incomplete or no copy of mortgage or lease
- ◇ Mortgage holders that are no longer in existence (either by merger, successor, etc.) and new mortgage holder not given.
🔊
 - MERS is not enough
- ◇ Current address not given for mortgage holders
- ◇ Agent for service of process for the mortgage holder not given
- ◇ Must give correct information regarding whether the mortgage is active or not and what date it was last checked which should have been a week before you turned in the packet.

- ◇ Incorrect name, existence and/or address of corporation is not verified
- ◇ Articles of Organization and/or Operating Agreements not included for LLC



- ◇ Incorrect or no data regarding pending lawsuits
 - make sure Lis Pendens are still active and when this information was last checked
- ◇ Check whether and when tax data was last reviewed and whether taxes due is still active.



Title Reports...the Sequel

- ◇ Get a copy of all releases or mark lien as does not apply.
- ◇ Check and verify everything!
- ◇ Let us know if Lis Pendens is still active.
- ◇ Suggestion – Use a checklist with your title report.



Odds & Ends

- ◇ If the owner has been declared legally incompetent, include a copy of the Order of Incompetency and Order Appointing Guardian
- ◇ If the owner appears to be deficient and unable to understand, note that in the packet. HIGHLIGHT IT
- ◇ If the owner has been divorced since first acquiring the property, include a copy of the divorce decree that adopts the property settlement AND a copy of the property settlement.
- ◇ If the original owner died, make sure we have a date of death and ALL probate information affecting the property ownership
- ◇ Make sure the appraisal is included and consistent with the other data
 - *(For example, if the case includes surface and mineral have both appraisals included – be sure appraisal has correct name, parcel number and source of title, etc.).*

HINTS to help enhance packet

- ◇ Go through a checklist to:
 - verify title facts
 - owners correct names or note additional parties that could not be identified
 - correct addresses
 - lien-holders correct names and correct addresses of all persons having an interest in the property.



flag pertinent information that may cause some trouble or information that is peculiar, make sure the amounts of your offer and type of taking is consistent throughout the packet.



More Hints on Finding Information

- voting records; phone books; Court records such as probate, deeds, affidavits, Secretary of State for corporations, limited corporation, professional service corporations, limited partnerships, etc.; vital statistics; internet; previous mail, previous contacts by prior right of way work- (*sometimes even with you cemetery relocation person*), information from neighbors and friends or Courthouse buddies.

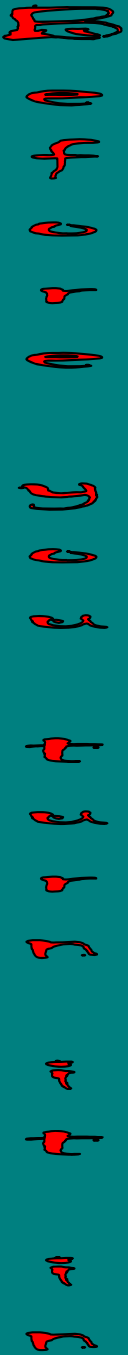
On-Line Services

To Find Official Records:

- Kentucky Courts <http://courts.ky.gov> (not a complete listing)
- KY Vital Statistics: <http://chfs.ky.gov/dph/vital>

To Find People

- Switchboard <http://www.switchboard.com>
- Secretary of State <http://www.sos.ky.gov>
- Death <http://ssdi.rootsweb.com>




Check and verify
EVERYTHING
CHECK IT AGAIN



DID YOU FORGET ANYTHING?

What does all this get you?

- ◇ Satisfaction of a job well done
- ◇ Accolades from your local condemnation attorney, even when you aren't around
- ◇ Timely right of entry  for the entity paying you to do this work. -- think about that one.

