

This is a condensed version of an article first published in the Clayton News Daily as an eight part community service series. For a copy of the complete set of articles, please call 770.478.9950.

ABOUT THE AUTHOR

Steve Fincher is currently the appointed Attorney for four Atlanta metro cities and authorities, and has a cumulative concurrent total of over seventy-five years experience as the general counsel for condemning authorities. He has successfully represented scores of both condemnors and condemnees in condemnation matters.



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CONDEMNATION FACTS

- To many, the word “condemned” sounds ominous. It brings to mind visions of dilapidated property and forced removal of residents. There is however, a vast difference between the condemnation of property because it is a public health hazard and the condemnation of property for public use. This is called eminent domain.
 - Under Georgia Law, several classes of “public bodies” have the legal power to condemn property. Simply put, if they intend to use property acquired for a “public purpose”, they can force you to “sell” your property to them.
 - **If your property is condemned, you are entitled to receive compensation for your loss.**
 - The condemning entity will attempt to negotiate a settlement based on their appraisal for your property.
 - If you are unable to reach a settlement, your next step, in most cases, will be a special master hearing, for which it is usually wise to have a lawyer. In a special master proceeding, a court appoints a local lawyer to act as a special judge. While special master hearings may appear to be fairly simple, there are risks involved in handling the matter on your own. All legal issues must be raised at the special master hearing, and failure to raise them means those issues may never again be raised, even if you hire a lawyer at some point in the future. ***This is why it is best to retain a lawyer before a special masters hearing.***
 - If you are not satisfied with the special master ruling, you have ten days to file an appeal. This is your final “fail safe” in the condemnation process - a jury trial. This is an important fact. This fail-safe keeps everyone honest.
 - Most condemnation lawyers handle condemnation cases on a contingent fee basis*. The fee arrangement most often agreed to is one-third of the settlement amount over the condemnor's last highest offer. This is advantageous to both the lawyer and the client. It allows the client to attempt to negotiate his best deal prior to hiring a lawyer.
 - It is important that you fully understand your rights before you accept an offer to sell your property.
- “You do not have to accept what the condemnor offers. You have options. A few minutes with the attorney of your choice can give you peace of mind about the process and your rights.”***
- Steve Fincher***

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* Contingent attorney's fees refer only to those fees charged by attorneys for their legal services. Such fees are not permitted in all types of cases. Court costs and other additional expenses of legal action usually must be paid by the client.

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