



Municipal Technical Advisory Service
INSTITUTE *for* PUBLIC SERVICE

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Deposit and Appraisal (Supplementary)

Dear Reader:

The following document was created from the MTAS website ([mtas.tennessee.edu](http://www.mtas.tennessee.edu)). This website is maintained daily by MTAS staff and seeks to represent the most current information regarding issues relative to Tennessee municipal government.

We hope this information will be useful to you; reference to it will assist you with many of the questions that will arise in your tenure with municipal government. However, the *Tennessee Code Annotated* and other relevant laws or regulations should always be consulted before any action is taken based upon the contents of this document.

Please feel free to contact us if you have questions or comments regarding this information or any other MTAS website material.

Sincerely,

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Deposit and Appraisal (Supplementary)

Reference Number: MTAS-1281

Deposit and Appraisal (Supplementary Procedure)

The condemner must determine what it deems to be the amount due the property owner and deposit that amount when it files the petition for condemnation^[62]. This deposit should be a good faith estimate of damages and expenses the defendant will likely incur as the result of the condemnation.^[63] Evidence of the amount deposited is irrelevant, however, if the condemnation goes to trial on the amount of damages.^[63A]

The amount deposited must be based upon an appraisal. The appraisal must value the property considering its highest and best use, its use at the time of the taking, and any other use to which the property is legally adaptable at the time of the taking. The appraiser must be an MAI or an otherwise licensed and qualified appraiser. T.C.A. § 29-17-1004.

Notes:

[62] The specification of the amount of damages the condemner believes the property owner is entitled to is not an admission, *Kennedy v. City of Chattanooga*, supra, and is not relevant at trial. *Smith County v. Eatherly*, supra.

[63] *State ex rel. Smith v. Overstreet*, supra.

[63A] *Smith County v. Eatherly*, 820 S.W.2d 366 (Tenn. App. 1991).

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