



Nonsuit (Supplementary)

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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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Table of Contents

Nonsuit (Supplementary)	3
-------------------------------	---

Nonsuit (Supplementary)

Reference Number: MTAS-1285

Nonsuit (Supplementary Procedure)

As with the jury of view procedure, the condemner may take a voluntary nonsuit prior to obtaining possession of the defendant's property. ^[67] However, if the condemner abandons the proceedings, the court may order the condemner to pay defendants for all reasonable costs, including reasonable attorney, appraisal, and engineering fees actually incurred because of the condemnation proceedings. T.C.A. §§ 29-17-912 and 29-17-106. An abandonment occurs when the condemner voluntarily gives up the intended condemnation or declines to carry the condemnation proceedings through to a conclusion. ^[68]

Note:

[67] *Anderson v. Smith, supra.*

[68] *Metropolitan Government of Nashville and Davidson County v. Denson*, Docket No. 01-A-01-9005-CV-00174, 1990 WL 154646 (Tenn. Ct. App. M.S. October 17, 1990), *app. denied* (January 28, 1991).

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