



## Appeal

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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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# Appeal

**Reference Number:** MTAS-1319

Both the property owner and the lessee have an independent right to appeal the amount of damages awarded; joinder of parties is not necessary. <sup>[21]</sup> On appeal, the court may increase the award to the appellant as long as it determines that the initial award did not accurately reflect the fair market value of the unencumbered fee <sup>[22]</sup> or did not reflect the total aggregate amount of incidental damages. <sup>[23]</sup> Thus, any relief granted on appeal must be through an increase of the total award rather than a reallocation of the lower court's award. <sup>[24]</sup>

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**Notes:**

[21] *State ex rel. Shaw v. Shofner, supra*; *State, Department of Highways v. Hurt*, 63 Tenn. App. 689, 478 S.W.2d 775 (1972).

[22] *State, Department of Highways v. Hurt, supra*.

[23] *State ex rel. Shaw v. Shofner, supra*.

[24] *State ex rel. Shaw v. Shofner, supra*; *State, Department of Highways v. Hurt, supra*.

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