



Appeal

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,

The University of Tennessee
Municipal Technical Advisory Service
1610 University Avenue
Knoxville, TN 37921-6741
865-974-0411 phone
865-974-0423 fax
www.mtas.tennessee.edu

Table of Contents

Appeal	3
--------------	---

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. ^[21] 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 ^[22] or did not reflect the total aggregate amount of incidental damages. ^[23] 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. ^[24]

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*.

DISCLAIMER: The letters and publications written by the MTAS consultants were written based upon the law at the time and/or a specific sets of facts. The laws referenced in the letters and publications may have changed and/or the technical advice provided may not be applicable to your city or circumstances. Always consult with your city attorney or an MTAS consultant before taking any action based on information contained in this website.

Source URL (retrieved on 11/11/2019 - 2:55pm): <http://www.mtas.tennessee.edu/reference/appeal>



Municipal Technical Advisory Service
INSTITUTE for PUBLIC SERVICE