

## Pre-Trial Checklist

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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](http://www.mtas.tennessee.edu)

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## Pre-Trial Checklist

**Reference Number:** MTAS-1344

### **PRE-TRIAL CHECK LIST (Eminent Domain)**

- Make sure procedures required under Relocation Act have been complied with.
- Bring title information up to date.
- Check to see which civil district property is located.
- Check whether taxes due require naming taxing authority as party defendant.
- Check whether tenants must be named as parties defendant.
- Obtain aerial photograph of subject property.
- Obtain planning commission plat of subject property.
- Obtain engineer's drawing showing area of taking.
- Arrange for appraisal.
- Establish tentative date of taking and arrange with appraisers and photographer for pre-trial conference at site of property on date of taking.
- Obtain project description for use in petition.
- Draft petition.
- Draft notice and, if necessary, order of publication and supporting affidavit.
- Draft order of condemnation and appropriation.
- Proofread all pleadings.
- File petition, make deposit, and arrange for service.
- Obtain deposit receipt.
- Pre-hearing, check on service of process.
- Hearing to obtain order of condemnation and appropriation.
- Signing and entry of order of condemnation and appropriation.
- Furnish copy of order of condemnation and appropriation to adversary counsel.
- Pre-trial conference at site of property with appraiser; obtain photographs of subject property, immediately surrounding property, and comparable sales; locate comparable sales on planning commission map.
- Request copies of adversary appraisals.
- Summarize for trial use all appraisals.
- Explore settlement possibilities with adversary counsel.
- Take any necessary depositions and file them with clerk.
- Prepare pre-trial brief as required or desired and requests for special instructions.
- Prepare all exhibits for use at trial.
- Pre-trial conference with engineering witness, if any.
- Pre-trial conference with judge and adversary counsel.

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*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.*

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