

Nonsuit

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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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Table of Contents

Nonsuit.....	3
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Nonsuit

Reference Number: MTAS-1277

Nonsuit (Jury of View Procedure)

The condemner may take a voluntary nonsuit under Rule 41.01 of the Tennessee Rules of Civil Procedure in a condemnation case. ^[53] A nonsuit cannot be taken after the condemner has taken possession of the property following confirmation of the report of the jury of view, leaving nothing to be determined except the amount of compensation due the defendant. ^[54]

Notes:

[53] *Montgomery County v. Nichols*, 10 S.W.3d 258 (Tenn. App. 1999); *Anderson v. Smith*, 521 S.W.2d 787 (Tenn. 1975); *Cunningham v. Memphis Railroad Terminal Co.*, 126 Tenn. 343, 149 S.W. 103 (1912); *Williams v. McMinn County*, *supra*.

[54] *Anderson v. Smith*, *supra*; *Cunningham v. Memphis Railroad Terminal Co.*, *supra*; *Department of Highways and Public Works v. Gamble*, 18 Tenn. App. 95, 73 S.W.2d 175 (1934).

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