

LOCAL RULE 71A.1

LAND CONDEMNATION PROCEEDINGS

(a) For each trial unit (that is, an ownership or economic unit for which just compensation is required by substantive law to be separately determined in a single sum), there shall be a separate civil action. The condemning authority shall make the initial determination of the identity of such trial units but this determination shall be subject to revision by the Court as the interests of justice and the convenient administration of this business of the Court may require. A single declaration of taking, complaint, or notice of condemnation may include one or more tracts, trial units or ownerships. Where a complaint, declaration of taking and notice of condemnation including more than one trial unit are filed, the Clerk shall establish a civil action file for each trial unit and shall file the initial pleadings in the lowest numbered civil action file. Higher numbered civil action files shall bear a notation indicating the place where such documents are filed. Any pleading, motion, order, or other document filed at the time of or after the filing of the complaint, notice of condemnation or declaration of taking which affects all trial units may be filed by the Clerk in such file only, but the condemning authority may, and at the direction of the Court shall, furnish to the Clerk additional copies for filing in the other civil action files. Condemnation civil action files shall be numbered consecutively in the same sequence with other civil actions. The complaint and notice of condemnation shall indicate, by tabulation or otherwise, what lands are included in each civil action. When a condemnation complaint, declaration of taking and notice of condemnation involve more than one civil action, all of the civil action numbers involved shall be included in the captions of those documents.

(b) At the request of the attorney for the condemning authority, upon the filing of a declaration of taking, the Clerk shall forthwith assign civil action numbers as may be required for each trial unit, and the condemning authority shall proceed to file the complaint, notice of condemnation, and other initial pleadings expeditiously and in any event within seven days.

(c) Pleadings and other documents in a condemnation case need not be typed but may be produced by any process which produces documents substantially equivalent in size and legibility to typewriter ribbon copy prepared in conformity with Rule 5.5 of these rules. When a pleading so produced is filed, the original shall be signed by the attorney for the party filing it and the signed original shall be labeled as such on its face in some conspicuous manner.

Local Rules of the United States District Court for the Eastern and Western Districts of Arkansas

(d) When a condemnation case involving more than one civil action is filed, each civil action shall be assigned randomly to a judge in the manner of assignment of ordinary civil actions; but any motion affecting all or several of such civil actions may be presented to the judge to whom is assigned the first of such civil actions affected, or in the absence of that judge to the judge to whom the second is assigned, and so on until a judge is available.

(e) Civil actions in condemnation cases may be set for trial of the issue of just compensation, or for hearings or trials of other issues, singly or in groups as may be convenient to the Court and parties. When set in groups, no consolidation is required, but the Court shall give such instructions, require such forms or numbers of verdicts, and make such findings and orders as shall preserve the rights of all the parties under substantive law.

Adopted and effective May 1, 1980
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