

LAND CONDEMNATION ACTIONS: MANNER OF FILING, DOCKETING, RECORDING AND REPORTING SAME

GUIDELINE 1

For each tract, economic unit or ownership for which the just compensation is required to be separately determined in a total lump sum, there shall be a separate civil action file opened by the Clerk, which shall be given a civil action number. The condemnor's counsel shall make the initial determination of each tract, economic unit or ownership for which just compensation is required to be separately determined in a lump sum, subject to review by the Court after filing.

GUIDELINE 2

The file in the civil action containing the first complaint filed under a single declaration of taking shall be designated as the Master File for all the civil actions based upon the single declaration of taking. The numerical designation as the Master File shall be shown by adding as a suffix to the civil action number the symbol MF _____. (In the blank shall be inserted a code number or numbers, selected by the condemnor, designating the project or projects and the number assigned the declaration of taking with which the property concerned is connected.) The single declaration of taking shall be filed in the Master File only. In all other civil actions for condemnation of property which is the subject of the declaration of taking, an appropriate reference to the Master File number in a standard form of complaint shall be deemed to incorporate in the cause the declaration of taking by reference, and shall be a sufficient filing of the declaration of taking referred to.

For example, assuming that the civil action number assigned to the first complaint under a single declaration of taking is Civil Action 2:06-9999, that the project number selected by the condemnor is 500 and the declaration of taking is the first in the project, the Master File Number would be Civil Action 2:06-9999-MF500-1.

GUIDELINE 3

For the civil action designated as the Master File there should be a separate complaint. At the option of the condemnor this complaint and exhibits shall (1) describe all owners, and other parties affected and all properties that are the subject of the declaration of taking, or (2) describe only the owner or owners of the first property or properties in the declaration of taking for which the issue of just compensation is separately determinable.

GUIDELINE 4

In order to reduce administrative, clerical and secretarial work, a standard form of complaint may be used for each civil action for which the issue of just compensation is required to be determined in a single lump sum. In the body of the complaint it shall not be necessary to designate

the owner or owners of the property concerned or other parties affected by the civil action. The names of the owners, and other parties affected, and the description of the property concerned in the civil action may be set forth in an exhibit or exhibits incorporated by reference in the standard form of complaint and attached thereto.

GUIDELINE 5

In any notice or process required or permitted by law or by the Rules of Civil Procedure (including but not limited to process under Rule 71A(d), F. R. Civ. P.) the condemnor, at its option, may combine in a single notice or process in as many separate civil actions as it may choose in the interests of economy and efficiency.

GUIDELINE 6

A district court should adopt a local rule or general order to the effect that the filing of a declaration of taking in the Master File constitutes a filing of the same in each of the actions to which it relates.* (Added effective July 1, 1975)

*An essential element of the Master File system is that the filing of the declaration of taking in the Master File shall constitute a filing of the same in each of the separate actions to which the Master File relates. This is of particular significance because the Declaration of Taking Act, 40 U.S.C. § 258a, specifies filing of the declaration of taking “in the cause.” If the filing of the declaration of taking is defective, the vesting of the title to the subject property in the United States under the Act is jeopardized. To ensure that the filing of a pleading in the Master File will legally constitute a filing in the several related actions, it is considered necessary that each district court as part of the implementation of this system, adopt a local rule of procedure giving the desired effect to the filing of pleadings in the Master File. The following language for such a rule is suggested:

Where the United States files separate condemnation actions and a single declaration of taking relating to those separate actions, the Clerk is authorized to establish a Master File in which the declaration of taking may be filed, and the filing of the declaration of taking therein shall constitute a filing of the same in each of the actions to which it relates.