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# SENATE BILL No. 201

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## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 32-24-1-4.

**Synopsis:** Eminent domain. Provides that, in an eminent domain proceeding, when the person seeking to acquire property does not agree with the owner of an interest in the property and files a complaint and a lis pendens notice, the filing of the complaint and lis pendens notice constitutes notice of the proceedings to all subsequent purchasers and persons taking encumbrances of the property.

**Effective:** July 1, 2004.

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January 8, 2004, read first time and referred to Committee on Judiciary.

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Second Regular Session 113th General Assembly (2004)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2003 Regular Session of the General Assembly.

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# SENATE BILL No. 201



A BILL FOR AN ACT to amend the Indiana Code concerning property.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 32-24-1-4, AS ADDED BY P.L.2-2002, SECTION  
2 9, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1,  
3 2004]: Sec. 4. (a) If the person seeking to acquire the property does not  
4 agree with the owner of an interest in the property or with the guardian  
5 of an owner concerning the damages sustained by the owner, the person  
6 seeking to acquire the property may file a complaint for that purpose  
7 with the clerk of the circuit court of the county where the property is  
8 located.

- 9 (b) The complaint must state the following:
- 10 (1) The name of the person seeking to acquire the property. This
  - 11 person shall be named as the plaintiff.
  - 12 (2) The names of all owners, claimants to, and holders of liens on
  - 13 the property, if known, or a statement that they are unknown.
  - 14 These owners, claimants, and holders of liens shall be named as
  - 15 defendants.
  - 16 (3) The use the plaintiff intends to make of the property or right
  - 17 sought to be acquired.



1 (4) If a right-of-way is sought, the location, general route, width,  
 2 and the beginning and end points of the right-of-way.  
 3 (5) A specific description of each piece of property sought to be  
 4 acquired and whether the property includes the whole or only part  
 5 of the entire parcel or tract. If property is sought to be acquired by  
 6 the state or by a county for a public highway or by a municipal  
 7 corporation for a public use and the acquisition confers benefits  
 8 on any other property of the owner, a specific description of each  
 9 piece of property to which the plaintiff alleges the benefits will  
 10 accrue. Plats of property alleged to be affected may accompany  
 11 the descriptions.  
 12 (6) That the plaintiff has been unable to agree for the purchase of  
 13 the property with the owner, owners, or guardians, as the case  
 14 may be, or that the owner is mentally incompetent or less than  
 15 eighteen (18) years of age and has no legally appointed guardian,  
 16 or is a nonresident of Indiana.  
 17 (c) All parcels lying in the county and required for the same public  
 18 use, whether owned by the same parties or not, may be included in the  
 19 same or separate proceedings at the option of the plaintiff. However,  
 20 the court may consolidate or separate the proceedings to suit the  
 21 convenience of parties and the ends of justice. The filing of the  
 22 complaint **and a lis pendens notice** constitutes notice of proceedings  
 23 to all subsequent purchasers and persons taking encumbrances of the  
 24 property, who are bound by the notice.

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