

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 20

Session of
1997

INTRODUCED BY MARSICO, GEIST, LYNCH, CLARK, BELARDI, MAITLAND,
ITKIN, SATHER, WAUGH, FICHTER, LEH, CORRIGAN, STEIL, FLICK,
FARGO AND PETTIT, JANUARY 27, 1997

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 27, 1997

AN ACT

1 Amending the act of June 22, 1964 (Sp.Sess., P.L.84, No.6),
2 entitled "An act to codify, amend, revise and consolidate the
3 laws relating to eminent domain," providing for estimates.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Section 407(a) of the act of June 22, 1964
7 (Sp.Sess., P.L.84, No.6), known as the Eminent Domain Code,
8 amended December 5, 1969 (P.L.316, No.137), is amended to read:

9 Section 407. Possession; Entry; Payment of Compensation.--

10 (a) The condemnor, after the expiration of the time for filing
11 preliminary objections by the condemnee to the declaration of
12 taking, shall be entitled to possession or right of entry upon
13 payment of, or a written offer to pay to the condemnee, the
14 amount of just compensation as estimated by the condemnor[.] and
15 based upon one or more appraisals performed by an individual or
16 individuals certified under the act of July 10, 1990 (P.L.404,
17 No.98), known as the "Real Estate Appraisers Certification Act."

18 If a condemnee thereafter refuses to deliver possession or

1 permit right of entry, the prothonotary upon praecipe of the
2 condemnor shall issue a rule, returnable in five days after
3 service upon the condemnee, to show cause why a writ of
4 possession should not issue, upon which the court, unless
5 preliminary objections warranting delay are pending, may issue a
6 writ of possession conditioned upon payment to the condemnee or
7 into court of such estimated just compensation and on such other
8 terms as the court may direct.

9 * * *

10 Section 2. This act shall take effect in 60 days.