

VONLEMBKE



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To: Property Owners

Subj: Protecting Your Right to Just Compensation

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Both the U.S. Constitution and the Constitution of the State of North Carolina require condemning authorities to pay “just compensation” for property taken by eminent domain. Unfortunately, neither of these important documents identifies how, exactly, a state or local government measures what is “just compensation.”

It is possible that you have either received, or soon will receive, a letter from a public entity offering to purchase your property for a fixed amount. The letter most-likely gives you a certain amount of time in which to respond to the offer – after which time the entity suggests it will file a lawsuit to take your property upon payment of just compensation. We encourage you to take a few moments before you decide to sell your property to the public entity at its recommended price.

The firm of vonLembke-Faleris maintains a concentration in the area of eminent domain law. In the first instance, we can help in your negotiations with the public entity for the potential purchase of your land. We note that you are entitled to be compensated not only for the actual property taken by the city/state, but for damages suffered by any relevant remaining property that was not taken. In the event such negotiations are unsuccessful, we can guide and represent you through the condemnation process whereby a jury of your peers can decide how much just compensation the public entity should pay for the property taken and damages to your remainder.

We encourage you to call our offices to schedule a no-cost consultation at which we can discuss matters relating to the valuation of your property, negotiation strategies with condemning authorities, whether the *city/state* has the authority to take your property, and the eminent domain-litigation process.

## **Frequently Asked Questions (FAQs)**

- How do I know whether the amount being offered is fair or reasonable?
- Can I get a copy of the state or city's appraisal?
- Does the condemnor have authority to condemn my property?
- Can I refuse to sell my property?
- If I agree to the state or city's compensation, how long before I have to move?
- Can the state take an easement over my property without taking any land?
- Does the state have the right to enter my property prior to condemnation?
- What does the state mean when it says it will seek "immediate possession" of my property? Is there any way to resist?
- How do I withdraw money deposited by the condemnor with the clerk of court?
- If I withdraw money deposited by the condemnor, does this mean I agree to their price?
- How do I measure the value of property that is giving me rental income?
- How do I measure the value of a home or building?
- How do I measure the damages to my remaining property?
- Can the state reimburse me for my appraisers, surveyors, plats, and other costs?
- What is meant by a "comparable sale"? Can I use a recent sale of property that was conveyed after the date of the taking?
- Can I get compensation for the loss of a driveway?
- Can I get compensation for the loss of a view?
- Can I value my property under a different zoning classification?
- Can the state use the tax value of my property against me?
- What if I still owe on a mortgage?
- Can I use an "offer to purchase" to establish the value of my property?
- Will the state relocate my business?
- Can I testify to the amount that I believe the property to be worth?