



CHAPTER 40A

ARTICLE 3 - CONDEMNATION BY PUBLIC CONDEMNORS

N.C.G.S. § 40A-48.

Appointment of commissioners.

SOURCE	LAST AMENDMENT IN THIS TEXT	RETRIEVED	SOURCE FINGERPRINT
General Statutes of North Carolina, as published by the General Assembly	S.L. 1999-456, s. 59 — second act in the lineage	21 September 2026, 03:33 UTC	adc318b18348353469988fd2 - 24c765b506b7836924f07164 - 2ce70fd1fa9b9bb6

§ 40A-48(a)

A request to the clerk for the appointment of commissioners to determine compensation for the taking may be made in the answer of the owner, or may be made by motion of either the owner or the condemnor within 60 days after the filing of the answer. After the determination of other issues as provided by G.S. 40A-47, the clerk shall appoint three competent, disinterested persons residing in the county to serve as commissioners. The commissioners shall be sworn and shall go upon the land to appraise the compensation for the property taken and report their findings to the court within a time certain. Each commissioner shall be a person who has no right, title, or interest in or to the property being condemned, is not related within the third degree to the owner or to the spouse of the owner, is not an officer, employee, or agent of the condemnor, and is disinterested in the rights of the parties in every way.

§ 40A-48(b)

The commissioners shall have the power to inspect the property, hold hearings, swear witnesses, and take evidence as they may, in their discretion, deem necessary, and shall file with the court a report of their determination of the damages sustained.

§ 40A-48(c)

The report of commissioners shall be in writing and in a form substantially as follows:

TO THE SUPERIOR COURT OF _____ COUNTY

We, _____ and _____ Commissioners appointed by the Court to assess the compensation to be awarded to _____, the owner of property interest in certain land lying in _____ County, North Carolina, which has been taken by the _____ (condemnor), for public purposes, do hereby certify that we convened, and, having first been duly sworn, visited the premises, and took such evidence as was presented to us,

and after taking into full consideration the quality and quantity of the land and all other facts which reasonably affect its fair market value at the time of the taking, we have determined the fair market value of the property taken to be the sum of \$_____ and the compensation for the damage to the remainder of the land of the owner by reason of the taking to be the sum of \$_____ (if applicable). GIVEN under our hands, this the ____ day of_____, _____

_____ (SEAL)

_____ (SEAL)

_____ (SEAL)

§ 40A-48(d)

A copy of the report shall at the time of filing be mailed certified or registered mail by the clerk to each of the parties or to their counsel of record. Within 30 days after the mailing of the report, either the condemnor or the owner, may except thereto and demand a trial de novo by a jury as to the issue of compensation. Upon the receipt of such demand the action shall be placed on the civil issue docket of the superior court for trial de novo by a jury as to the issue of compensation, provided, that upon agreement of both parties trial by jury may be waived and the issue determined by the judge. The report of commissioners shall not be competent as evidence upon the trial of the issue of compensation in the superior court, nor shall evidence of the deposit by the condemnor into the court be competent upon the trial of the issue of compensation. If no exception to the report of commissioners is filed within the time prescribed, final judgment shall be entered by the judge upon a determination and finding by him that the report of commissioners plus interest computed in accordance with G.S. 40A-53 of this Chapter, awards to the property owners just compensation. In the event that the judge is of the opinion and, in his discretion, determines that the award does not provide just compensation, he shall set aside the award and order the case placed on the civil issue docket for determination of the issue of compensation by a jury.

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS I
2 ACTS

Amendment lineage

The State prints this history as a single parenthetical at the foot of the section. It is reproduced verbatim in the colophon and unpacked below in order of enactment.

	1981		1990		1999
	TICK HEIGHT = ACTS IN THAT YEAR		DASHED = RECODIFICATION, NOT AMENDMENT		
Nº	YEAR	ACT		CHARACTER	
01	1981	c. 919, s. 1		ENACTED	
02	1999	S.L. 1999-456, s. 59		AMENDED	

APPARATUS II
2 AUTHORITIES

Authorities referenced

Every G.S. cross-reference appearing in the text of this section, in order of first appearance. Nothing is characterized; the operative language is quoted from the section itself.

REFERENCE	APPEARS IN	OPERATIVE LANGUAGE IN THIS SECTION
G.S. 40A-47	(a)	<i>"of other issues as provided by"</i>
G.S. 40A-53	(d)	<i>"plus interest computed in accordance with"</i>

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 40A-48 (1999).

PINPOINT

N.C. Gen. Stat. § 40A-48(a) (1999).

Pinpoint keys are set in the left margin of the text rather than line numbers: subsection designators are stable across editions and paper sizes, line numbers are not.

COLOPHON

Provenance

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This is not the official text. The official text is published by the General Assembly of North Carolina.

HISTORY PARENTHETICAL, AS PRINTED BY THE STATE
(1981, c. 919, s. 1; 1999-456, s. 59.)

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