

By: Representative Brown

To: Judiciary A

HOUSE BILL NO. 129

1 AN ACT TO AMEND SECTION 11-27-37, MISSISSIPPI CODE OF 1972,
2 TO AUTHORIZE THE COURT IN CONDEMNATION PROCEEDINGS TO AWARD
3 ATTORNEY'S FEES TO A DEFENDANT WHO RECOVERS A JUDGEMENT IN EXCESS
4 OF THE AMOUNT ALLEGED IN THE PLAINTIFF'S PLEADINGS TO BE DUE THE
5 DEFENDANT; AND FOR RELATED PURPOSES.

6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

7 SECTION 1. Section 11-27-37, Mississippi Code of 1972, is
8 amended as follows:

9 11-27-37. (1) In case the plaintiff shall fail to pay the
10 damages and costs awarded to the defendant within ninety (90) days
11 from the date of the rendering of the final judgment, if such
12 judgment is not appealed from, or in case the suit shall be
13 dismissed by the plaintiff except pursuant to settlement, or the
14 judgment be that the plaintiff is not entitled to a judgment
15 condemning property, the defendant may recover of the plaintiff in
16 an action brought therefor all reasonable expenses, including
17 attorney's fees, incurred by him in defending the suit.

18 (2) Whenever the amount of the final judgment awarded to the
19 defendant exceeds the amount alleged by the plaintiff's pleadings
20 to be due to the defendant, the court, in its discretion, may
21 award reasonable attorney's fees to the defendant as well as any
22 other damages and costs as authorized by law to be awarded to a
23 defendant in condemnation proceedings.

24 SECTION 2. This act shall take effect and be in force from
25 and after July 1, 2001.

