

Condemnee Commonly Asked Questions:

Q. When does the Condemnor take possession of the property?

A. Upon filing the Declaration and deposit of damages with the Board.

Q. What is a preliminary objection (RSA 498-A:9-b)?

A. An objection to: 1) the sufficiency of the security; 2) procedures followed by the Condemnor; or 3) the necessity, public purpose, and net-public benefit of the taking.

Q. When and where will a just compensation hearing be held?

A. Once 30 days from the return date has passed, a just compensation hearing will be scheduled, typically one (1) year from the date of filing with the Board. Hearings are held in the county where the property is located.

Q. Does the Board take a view of the property?

A. Yes. Pursuant to RSA 498-A:19, the Board will take a view of the property on or about the day of the hearing.

Q. Do I need an attorney at the just compensation hearing before the Board?

A. No. Condemnees often represent themselves while others do retain attorneys to represent their interests.

Q. What do I do if I do not agree with the Board's decision on compensation?

A. Once you receive the Board's decision, if you do not agree on its determination of compensation to your property, you must file a petition in the superior court of the county where the property is located within thirty (20) days from the Board's decision.

Q. What happens to the deposit of damages once it is filed with the Board?

A. The deposit of damages is deposited in an interest-bearing account for the benefit of the named Condemnee(s).

Q. When is the estimated deposit of damages available to the Condemnee(s)?

A. Once the Declaration and deposit of damages are filed with the Board, the Condemnee(s) may request the deposit. However, a condemnee who withdraws the deposit before the procedural timelines have passed regarding preliminary objections (30-days from the return date) shall be deemed to have waived all objections to the taking of the property except for any claim to greater compensation.

Q. How do I withdraw the deposit of damages?

- A. A written request to withdraw the deposit of damages must be submitted to the Board, along with a completed IRS Form W-9 (Request for Taxpayer Identification Number and Certification), providing the tax identification or social security number of the person responsible for claiming and reporting the interest to the IRS. If more than one condemnee is listed, (i.e., mortgagee, municipal tax lien), the Board shall notify all Condemnees of the request, and provide 10 days for any objections to the withdrawal. If no objection is filed, the Board will issue the check made payable to all named Condemnees. It will be the responsibility of the recipient of the check to obtain all endorsements and signatures.

Q. Why is IRS Form W-9 required before the deposit of damages can be issued?

- A. The Internal Revenue Service (“IRS”) requires the board’s banking institution to report any interest earned on the deposit of damages. Therefore, the responsible person’s tax identification or social security number is required before the board can release the deposit of damages to a Condemnee(s).