

Bond Case Briefs

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EMINENT DOMAIN - MONTANA

City of Missoula v. Mountain Water Company

Supreme Court of Montana - October 3, 2018 - P.3d - 2018 WL 4765273 - 2018 MT 245

In condemnation of water system action, prior owner of water system filed a second claim for litigation expenses.

The District Court awarded owner \$42,939 in attorney fees. Owner appealed and city filed a cross-appeal.

The Supreme Court of Montana held that prior owner of water system was not entitled to collect attorney fees or expenses in eminent domain action after the date owner sold its interest in property. Owner had no ownership interest in the condemned property during the time covered by the fee request.