

Bond Case Briefs

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EMINENT DOMAIN - PENNSYLVANIA

In Re Condemnation of Land in Bristol Township

Commonwealth Court of Pennsylvania - August 28, 2020 - A.3d - 2020 WL 5083485

County redevelopment authority brought eminent domain action and condemned mortgagors' property.

After redevelopment authority distributed just compensation in accordance with court order, mortgagee filed petition for appointment of board of viewers.

The Court of Common Pleas denied petition for lack of standing and subsequently denied mortgagee's motion for reconsideration. Mortgagee appealed.

The Commonwealth Court held that:

- Mortgagees are not eligible to request a board of viewers in condemnation proceedings, and
- Mortgage contained no assignment of rights pursuant to which mortgagee could request board of viewers as "condemnee."

Mortgagees, judgment creditors, and lienholders are not "condemnees" under the Eminent Domain Code and, thus, are not eligible to request the appointment of a board of viewers in condemnation proceedings; only condemnors, condemnees, and displaced persons are eligible.

Terms of mortgage did not comprehensively extinguish mortgagors' rights in favor of mortgagee's rights in condemnation proceedings, and thus there was no assignment pursuant to which mortgagor, which was not eligible to request board of viewers in condemnation proceedings under the Eminent Domain Code, could stand in the shoes of mortgagors and request a board of viewers as a "condemnee" after condemnation of mortgaged property; mortgage merely described what mortgagee could do to protect its interest in the property and contained no language expressly assigning rights.