

Bond Case Briefs

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EMINENT DOMAIN - MISSISSIPPI

Kuhn v. High

Supreme Court of Mississippi - September 3, 2020 - So.3d - 2020 WL 5627275

Property owners filed petition to condemn a private road across neighbor's property.

The Special Court of Eminent Domain granted petition. Neighbor appealed, and the Supreme Court reversed and rendered a judgment in neighbor's favor. Neighbor then filed motion for award of attorney fees under eminent domain statute and the Special Court of Eminent Domain denied the motion. Neighbor appealed, and the Supreme Court reversed and remanded. On remand, neighbor filed amended motion for attorney fees that added a claim for frivolous filing attorney fees under the Litigation Accountability Act (LAA). The Special Court of Eminent Domain granted the motion, imposing the fees jointly and severally on property owners and their attorney, and denied property owners' motion to reconsider. Property owners and attorney appealed.

The Supreme Court held that:

- Special Court of Eminent Domain could base its order on the proposed findings of fact and conclusions of law submitted by neighbor;
- Special Court of Eminent Domain did not abuse its discretion by awarding frivolous filing attorney fees;
- Special Court of Eminent Domain did not abuse its discretion by applying a 2.25% interest rate to its award; and
- Special Court of Eminent Domain could award interest from the date property owners filed suit, rather than the dates neighbor paid her attorneys.