

# **Bond Case Briefs**

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## **EMINENT DOMAIN - INDIANA**

### **Haggard v. State**

**Court of Appeals of Indiana - January 21, 2021 - N.E.3d - 2021 WL 209208**

As part of State's improvement of interstate freeway, State filed complaint for appropriation of real estate.

The Circuit Court granted State's motion for appropriation and appointment of appraisers. Named defendants filed objections and moved trial court to vacate order of appropriation. The trial court overruled the objections and motion to vacate order of appropriation. Defendants appealed.

The Court of Appeals held that defendants were not landowners with title to property sought to be condemned.

Named defendants in State's complaint for appropriation of property as part of its improvement of interstate freeway were not landowners with title to property sought to be condemned, and therefore they were not entitled to pre-complaint offer to purchase their easement; named defendants were not listed on tax assessment rolls and were not persons in whose name title in property was shown in recorder's records, their name appeared on deed as easement holders, an easement for ingress/egress and to erect /maintain billboard.