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★ The Tide is Turning Against the NCDOT in Outer Loop Battles

After the Map Act was passed, the NCDOT filed corridor maps in the 1990s that significantly hurt property values. The NCDOT is finally having to pay landowners for the harm it has caused. In Map Act cases, property owners are entitled to be paid interest and may be awarded attorney fees. In some cases, decades of interest, attorney fees and costs have resulted in the NCDOT having to pay landowners several times more than their property is worth.

For example, in a recent Fayetteville Outer Loop case, a jury awarded property owners \$143,386 as just compensation for the value of the property taken by the NCDOT. However, the NCDOT was hit with attorney fees and an additional 8% interest rate compounded annually beginning as early as 1992, when the Map Act restrictions in Cumberland County were put in place. As a result, the property owners were given an award that totaled over one million dollars! Although the legislature later lowered the interest rate the NCDOT must pay (we talk about that in another article in the newsletter), it can still add up to a lot of money when calculated over several years.

It is heartening to see that recent verdicts and other court decisions in Map Act cases are placing a heavy burden on the NCDOT. It's only fair, since affected property owners have been

Why am I receiving this newsletter?

Our mission is to arm property owners facing eminent domain with useful information so they can better understand what lies ahead.

Staying informed about the 540 Outer Loop expansion can help you understand your rights as a property owner, how these changes may affect you and how you can rightfully take action. When you know your rights, you are more likely to be treated fairly. Knowledge is power.

the ones who have paid the price – through reduced property values – for way too long.

As you continue reading this newsletter, you will see the tide is beginning to turn against the NCDOT, and they know it. Now is the time to act. If you would like a free consultation to discuss how your property may be impacted by the NCDOT's use of the Map Act, please give us a call.

Unlike some law firms that advertise on television, we don't represent hundreds of property owners at a time. Instead, we limit the number of people we represent. This allows us to understand what our clients are going through and provide them with aggressive, yet professional legal representation. At Thorpe Law, it's our mission to provide individualized attention to each of our clients. To maintain that mission, we plan to take a few more

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clients over the next few months. If you've been thinking that you need to find out whether you have an eminent domain claim, do yourself a favor. Don't put it off any longer. Strike while the iron is hot, and give us a call today.



Beating the NCDOT to the Courthouse Results in More Compensation for Property Owners

When a property owner wins a jury verdict against the NCDOT, the government has to pay the landowner interest on the verdict. Interest begins to run from the date the government takes a landowner's property until the date it pays the property owner what it owes. The date the interest rate begins to run is really important – the earlier the clock starts ticking, the more interest the NCDOT will have to pay.

The NCDOT recently employed a new tactic to minimize the interest and other compensation it has to pay property owners. The tactic involves filing its own lawsuits against property owners **who have already filed** Map Act lawsuits against the NCDOT. There were several reasons the NCDOT engaged in this new tactic, but the primary purpose was to reduce how much interest the government will ultimately have to pay property owners.

For example, the NCDOT filed Map Act roadway plans, often referred to as corridor maps, in Forsyth County in 2008. In response, several property owners filed Map Act claims against the NCDOT. By filing the Map Act lawsuits, the property owners established the NCDOT had taken an interest in the property as of November 2008 – the date the roadway plans were filed. Accordingly, November 2008 was the date interest began to accrue.

To push forward the date of taking, the NCDOT filed its own condemnation actions **related to**

the same property in 2016. The NCDOT argued it had taken the properties when it filed suit in December 2016, not when the roadway plans were filed in November 2008. As a result, the government asserted the interest clock should begin to run as of December 2016, not November 2008. If this tactic were to succeed, property owners would lose out on eight years of interest they otherwise would be entitled to receive from the NCDOT.

The good news, for now at least, is the North Carolina Court of Appeals shot this tactic down. The Court said the NCDOT's lawsuits created confusion and delay and agreed with the trial court judge that they should be dismissed.

As a result, landowners who beat the NCDOT to the courthouse and filed Map Act lawsuits against the NCDOT, have positioned themselves to receive more compensation, including more interest, than if they had simply waited for the NCDOT to file its own lawsuits.

If you are interested in talking with us to see if you have the right to file suit against the NCDOT now, please give us a call for a free consultation. We are watching the NCDOT like hawks, because we expect it will try some new method to rig the system to minimize paying landowners a fair price for their property.

Proactive property owners don't have to fall prey to the NCDOT's next set of procedural tricks. If you want us to help you strategize so you can maximize your leverage when dealing with the NCDOT, just pick up the phone. We are good guys, easy to talk to and have been fighting and winning against the NCDOT for a long time.



A Glimmer of Good News About Interest Rates

In our last newsletter, we shared distressing news about the general assembly's reduction of the interest rate the NCDOT is required to pay property owners whose land is taken by eminent domain. Before the general assembly's action, the interest rate to be paid from the date of taking was 8% per year. However, following the supreme court's recognition that the Map Act took property rights from landowners that required payment, the general assembly, acting in the dead of night, quickly and significantly reduced the interest rate the NCDOT would have to pay landowners in future eminent domain lawsuits.

Fortunately, a superior court judge in Forsyth County has recognized how unfairly this treats property owners who did not file lawsuits before the legislature changed the law. As a result, the NCDOT has been ordered, in at least a few cases, to pay property owners the 8% interest rate that was required before the general assembly pulled its sneak attack and cut rates.

Interest rates are especially important in Map Act cases, because, as we explain in the articles above, the interest clock starts from the date the roadway maps and plans were filed many years ago. This can result in large payouts to property owners. As a result, the amount of interest the NCDOT must pay property owners in Map Act cases is under attack by the NCDOT and the general assembly.

The NCDOT has appealed the Forsyth County judge's ruling, so we will probably have to wait for the supreme court to weigh in. But this is an important victory in a long war we have helped fight for many years.



A Note from Isaac Thorp

I wrote this Property Rights Report to inform you about what to expect if your property is in the path of the 540 Outer Loop. Knowledge is power.

Thorp Law offers free consultations. I am happy to sit down with you and take as much time as you need to better understand what the eminent domain process involves. The attorneys at Thorp Law believe that if we can help educate you about your rights, then we are performing a valuable public service.

When we do represent property owners, we work on a contingency fee basis. This means we get paid an attorney fee only after we get our clients a recovery. None of them pay me a penny in attorney fees until after I put money in their pockets through a verdict or settlement.

If you want us to sit down with you and talk, so we can explain your rights as a property owner in more detail, please give us a call at 919-833-6408 or email us at isaac@thorplaw.com.

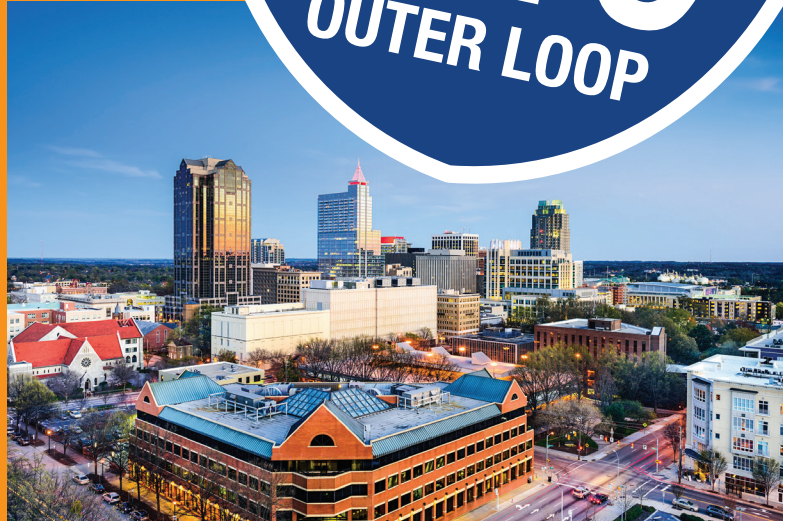
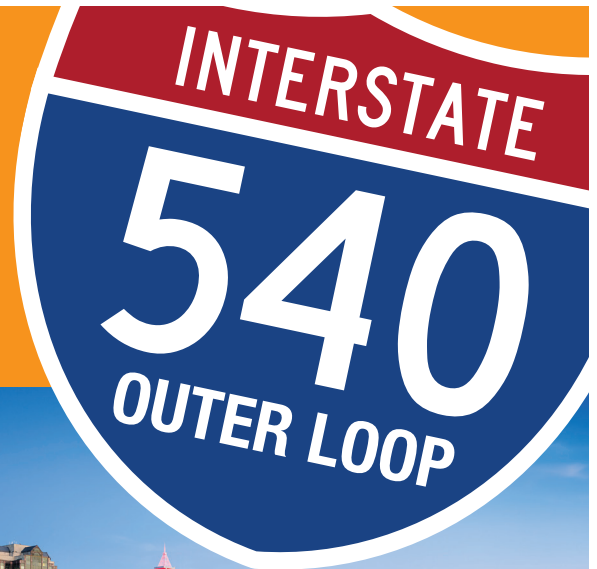


Want to Learn More?

If you want to learn more about how you can make the NCDOT pay you what you are entitled to, please call us. Our award-winning attorneys offer free consultations. We will sit down with you and listen carefully, so we can understand the specifics about your property and what you've been through. We will spend as much time as necessary to help you understand the legal process and how you can avoid making common mistakes that can harm your inverse condemnation claim. We will explain your legal rights to you in plain English, and we will give you our best insights. If you don't need an attorney, we will tell you that. If you do, we will tell you the best plan for proceeding with your case. When your consultation is over, you won't owe us anything.

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This newsletter is provided as a community service.

If this information helps reduce the uncertainty you've been facing for so long, then we feel we've provided a useful service to our community.



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