

February 24, 1995 LB 830

SENATOR WICKERSHAM: He didn't want to wait for you to get out of law school, is that...

SENATOR MATZKE: I think I was in high school at the time.

SENATOR WICKERSHAM: Okay. Well, Senator Matzke, that...what you describe is certainly possible, and I've seen that and you've seen that. But isn't there another possibility in that the appraisers have gone out and they have awarded this private person a fair price and the condemnor comes in and says, that's too much, and can't they appeal that award?

SENATOR MATZKE: There's a right of appeal, but they are not entitled to possession until they deposit the cash with the court.

SENATOR WICKERSHAM: That's right, so they have to deposit the cash with the court and then they're entitled to possession.

SENATOR MATZKE: Correct.

SENATOR WICKERSHAM: Okay. Now, does that mean that the private party got their money?

SENATOR MATZKE: Yes, the private party can go in and pick up their money.

SENATOR WICKERSHAM: Isn't it in the possession of the court?

SENATOR MATZKE: Pardon?

SENATOR WICKERSHAM: The money is in the possession of the court, isn't it?

SENATOR MATZKE: Yes.

SENATOR WICKERSHAM: And the condemnor has been placed in possession and use of the property.

SENATOR MATZKE: Correct.

SENATOR WICKERSHAM: So nothing is settled except who has possession and control of the property.