

UNIFORM
LAWS
ANNOTATED

CIVIL PROCEDURAL
AND
REMEDIAL LAWS

MASTER EDITION

UNIFORM LAWS ANNOTATED

Civil Procedural and Remedial Laws

With
Annotations From State and Federal Courts

ST. PAUL, MINN.
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EXPLANATION

New Volumes 13 and 14 of the Master Edition of Uniform Laws Annotated contain the text of the following Uniform Acts:

Volume 13

Eminent Domain Code
Enforcement of Foreign Judgments Act
Evidence, Uniform Rules of
Exemptions Act
Facsimile Signatures of Public Officials Act
Foreign Money Judgments Recognition Act
Insurers Liquidation Act
Interstate and International Procedure Act
Jury Selection and Service Act
Land Transactions Act

Volume 14

Metric System Procedure Act
Motor Vehicle Accident Reparations Act
Perpetuation of Testimony Act
Photographic Copies of Business and Public Records as Evidence Act
Preservation of Private Business Records Act
Public Assembly Act
Recognition of Acknowledgments Act
Simplification of Land Transfers Act
Single Publication Act
State Administrative Procedure Act
Statute of Limitations on Foreign Claims Act
Statutory Construction Act
Trade Secrets Act
Vendor and Purchaser Risk Act
Voting by New Residents in Presidential Elections Act

These acts were drafted by the National Conference of Commissioners on Uniform State Laws and recommended for adoption in all states. These new volumes combine twenty-five Uniform Acts relating to civil procedural and remedial laws for convenient reference to the text of such statutes and the up-to-date judicial constructions thereof in all of the adopting jurisdictions.

EXPLANATION

NATIONAL CONFERENCE OF COMMISSIONERS ON UNIFORM LAWS

The National Conference of Commissioners on Uniform State Laws is composed of Commissioners from each of the states, the District of Columbia and Puerto Rico. In thirty-three of these jurisdictions the Commissioners are appointed by the chief executive acting under express legislative authority. In the other jurisdictions the appointments are made by general executive authority. There are usually three representatives from each jurisdiction. The term of appointment varies, but three years is the usual period. The Commissioners are chosen from the legal profession, being lawyers and judges of standing and experience, and teachers of law in some of the leading law schools. They are united in a permanent organization, under a constitution and by-laws, and meet in Annual Conference in the same vicinity as the American Bar Association, usually for five or six days immediately preceding the meeting of that Association. The record of the activities of the National Conference, the reports of its committees, and its approved acts are printed in the Annual Proceedings.

The object of the National Conference, as stated in its constitution, is "to promote uniformity in state laws on all subjects where uniformity is deemed desirable and practicable." The National Conference works through standing and special committees. In recent years all proposals of subjects for legislation are referred to a standing Committee on Scope and Program. After due investigation, and sometimes a hearing of parties interested, this committee reports whether the subject is one upon which it is desirable and feasible to draft a uniform law. If the National Conference decides to take up the subject, it refers the same to a special committee with instructions to report a draft of an act. With respect to some of the more important acts, it has been customary to employ an expert draftsman. Tentative drafts of acts are submitted from year to year and are discussed section by section. Each uniform act is thus the result of one or more tentative drafts subjected to the criticism, correction, and emendation of the Commissioners, who represent the experience and judgment of a select body of lawyers chosen from every part of the United States. When finally approved by the National Conference, the uniform acts are recommended for general adoption throughout the jurisdiction of the United States and are submitted to the American Bar Association for its approval.

EXPLANATION

OFFICIAL COMMENTS

The notes or comments prepared by the Commissioners on Uniform State Laws in explanation of a particular Act appear under the Commissioners' Prefatory Note preceding the text of such Act while the notes and comments prepared in explanation of specific sections of an Act are carried under the relevant sections thereof.

ACTION IN ADOPTING JURISDICTIONS

Variations that occur between an Official Uniform Act text section and the corresponding text section of an adopting jurisdiction are carried under the heading "Action in Adopting Jurisdictions". Under this heading in the sections affected will be found an alphabetical listing of the relevant jurisdictions with an explanatory note pointing out the differences between the texts.

In many jurisdictions, additional provisions that are not contained in the Official Text have been enacted. These provisions are reflected in the general statutory notes preceding the text of the particular Act.

ANNOTATIONS OR NOTES OF DECISIONS

The annotations or constructions by the courts of the Uniform Acts herein are complete from earliest times to date. They cover all decisions of courts of record in the adopting jurisdictions, as well as those of the Supreme Court of the United States and other Federal Courts construing such Uniform Acts in the following reports:

<i>Reports</i>	<i>Abbreviations</i>
Atlantic Reporter	A.
Atlantic Reporter, Second Series	A.2d
New York Supplement	N.Y.S.
New York Supplement, Second Series	N.Y.S.2d
North Eastern Reporter	N.E.
North Eastern Reporter, Second Series	N.E.2d
North Western Reporter	N.W.
North Western Reporter, Second Series	N.W.2d
Pacific Reporter	P.
Pacific Reporter, Second Series	P.2d
South Eastern Reporter	S.E.
South Eastern Reporter, Second Series	S.E.2d
South Western Reporter	S.W.
South Western Reporter, Second Series	S.W.2d
Southern Reporter	So.
Southern Reporter, Second Series	So.2d

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ANNOTATIONS OR NOTES OF DECISIONS

<i>Reports</i>	<i>Abbreviations</i>
Federal Reporter	F.
Federal Reporter, Second Series	F.2d
Federal Supplement	F.Supp.
Federal Rules Decisions	F.R.D.
Supreme Court Reporter	S.Ct.
United States Reports	U.S.
Lawyers' Edition	L.Ed.
Lawyers' Edition, Second Series	L.Ed.2d
Other Standard Reports	

The annotations appear under numbered notes so that the user, by referring to the same numbered note in the Pocket Part, can readily locate the most recent decisions on the same point.

An alphabetical index to the annotations or constructions by the courts will be found preceding the annotations under each section.

LAW REVIEW COMMENTARIES

Copious references to informative articles and discussions in Law Reviews and other legal periodicals, relating to various aspects of the Uniform Acts herein, appear under the sections to which they are pertinent.

LIBRARY REFERENCES

Another helpful feature of this edition consists of the references keyed to topics in the American Digest System, wherein cases from all jurisdictions on related material are annotated, and to sections of Corpus Juris Secundum which discuss the prevailing authority on related subject matter.

INDEX TO TEXT

Separate alphabetical descriptive-word indices to the text of the individual Uniform Acts will be found at the end of the volume in which each Act is included, following the divider.

THE PUBLISHER

August, 1980

Acknowledgment

Official Text and Comments

*A*cknowledgment is gratefully made to The American Law Institute and to the National Conference of Commissioners on Uniform State Laws for permission to reproduce the official Text and Comments for the Acts included herein.

THE PUBLISHER

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CITE THIS BOOK

Uniform ——— Act (U.L.A. § —.
Uniform Rules of Evidence (U.L.A.)
rule —.
Uniform Eminent Domain Code
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UNIFORM EMINENT DOMAIN CODE

Historical Note

The Uniform Eminent Domain Code was approved by the National Conference of Commissioners on Uniform State Laws in 1974. It is conceived primarily as a procedural statute and does not prescribe which governmental bodies are authorized to

exercise the power of eminent domain, or for what purposes the power may be exercised.

As of June 30, 1980, the Uniform Eminent Domain Code had not been adopted in any jurisdiction.

Special Committee on Uniform Eminent Domain Code

The Committee which acted for the National Conference of Commissioners on Uniform State Laws in preparing the Uniform Eminent Domain Code was as follows:

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Executive Committee

EMINENT DOMAIN CODE

William J. Pierce, University of Michigan School of Law, Ann Arbor,
MH, Executive Director

Commissioners' Prefatory Note

The Uniform Eminent Domain Code is a response to widely felt concern for the potential injustices that may result from the diversities of eminent domain procedures in the several states. Public improvement programs, most notably the federal interstate highway program and various urban renewal projects, annually require the taking of thousands of parcels of property, representing many millions of dollars of property values. Most of these takings occur under state systems of eminent domain procedure that are sometimes outmoded and based on archaic concepts; even within a single state, there may be many different forms of condemnation procedure, the application of which depends upon the identity of the condemnor, the purpose of the taking, or the nature of the property being taken.

In recent years many states have perceived the need for reform of their own condemnation laws, and have undertaken programs of study and revision of their eminent domain laws. Particularly notable efforts in this regard have been pursued in California, Florida, Maryland, New York, New Hampshire, Pennsylvania, and Virginia. In preparing this Code, the National Conference drew upon the studies and drafting efforts in the several states which have adopted or are in the process of drafting comprehensive eminent domain statutes. In addition, the comprehensive annual reports of the Committee on Condemnation and Condemnation Procedure of the American Bar Association Section of Local Government Law were a valuable reference source.

The Uniform Eminent Domain Code has been drafted upon the basic premise that condemnation litigation, which in many jurisdictions is the special province of the highly specialized practitioner familiar with its unique procedural and substantive content, can and should be conducted much like other civil litigation, under procedural rules that can readily be understood and followed by the general practitioner. While the parties in eminent domain litigation generally occupy positions that are the reverse of that which is typical in ordinary civil actions (i. e., the party aggrieved by the taking, and who is seeking an award of compensation, is the defendant, while the party against whom the judgment for compensation is awarded is the plaintiff), this drafting premise has proven to be practicable and promotive of simplicity. Accordingly, the Code builds upon typical civil procedural systems in the American states, assimilating eminent domain actions into the mainstream of such litigation, adding only those special provisions relating to pleading, discovery, trial, and judgment practice which are responsive to the peculiar attributes of the subject matter.

The Code has been drafted to reflect six operational policies which in the judgment of the Special Committee charged with the drafting

EMINENT DOMAIN CODE

project, are essential to a cohesive, equitable, and comprehensive state statutory treatment of eminent domain procedure in our federal system:

1. The Code should, insofar as practicable, apply equally to public and to private condemners.
2. The Code should not attempt to establish the substantive law concerning who may condemn property or for what purposes property may be condemned.
3. The Code's subject matter should be limited to the procedures for condemning property and to the methods and standards for compensating property owners.
4. The Code should establish procedures that are consistent with federal standards so that state and local agencies, by complying with this Code, may be eligible for federal assistance in carrying out projects that require the use of the eminent domain power.
5. The Code should set standards for payment of the owner's litigation expenses when the condemnor abandons the condemnation efforts or is adjudged not to have the right to take the property at issue.
6. The Code should set standards for relocation assistance in all eminent domain land acquisitions.

This Code was presented to the National Conference of Commissioners on Uniform State Laws, in preliminary draft form, at its annual meeting in San Francisco in 1972, and again was reviewed in substantially complete, but semifinal draft form, at its annual Meeting in Hyannis, Massachusetts, in August 1973. The Code was approved at the annual meeting in Hawaii in August 1974.

The Special Committee [see listing, *supra*] was greatly assisted by an able and broadly representative Advisory Committee, many of whose members attended meetings of the Special Committee and participated in discussions of major portions of the Code. The Advisory Committee consisted of:

Maurice F. Bishop, Birmingham, Alabama
John Demouilly, Standford, California
Gideon Kanner, Beverly Hills, California
F. Russell Kendall, Houston, Texas
Joseph G. Kuehnle, Chicago, Illinois
David R. Levin, Washington, D. C.
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Roger M. Sullivan, Los Angeles, California
John Vance, Washington, D. C.

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