

9/21/72

Memorandum 72-58

Subject: Schedule for Consideration of Topics

At the September meeting, the Commission requested the staff to prepare a tentative schedule for consideration of topics at future meetings. Exhibit I (pink) attached is a comprehensive schedule for consideration of major topics at the next nine meetings. Exhibit II (yellow) is a schedule for consideration of the creditors' remedies topic and covers the period between now and July 1974. Exhibit III (green) is a schedule for consideration of the condemnation topic and covers the period between now and January 1975.

It is difficult to prepare even a tentative schedule because we lack background studies on some of the basic areas of condemnation and on jurisdictional attachment. Also, we are not confident as to when we will receive the study on the lessee's abandoned property. Nevertheless, we have prepared a tentative schedule (Exhibit I) that is based on the following goals:

(1) Recommendations will be submitted to the 1973 session on the following matters:

Claim and Delivery Statute (depends on reaction to our tentative recommendation which we are now distributing for comment)

Civil Arrest and Bail (recommendation being printed)

Wage Garnishment and Related Matters (recommendation submitted for approval for printing at October meeting)

(2) Recommendations will be submitted to the 1974 session on the following matters:

Prejudgment Attachment

Liquidated Damages

Lessee's Abandoned Property

(3) Tentative Recommendation on Condemnation will be printed early in 1974.

(4) Recommendations will be submitted to the 1975 session on the following matters:

Comprehensive Condemnation Statute

Execution

Any schedule must, of course, be very tentative because it is not possible to predict changes in priority that may occur as a result of judicial decisions and priorities set by legislative direction. Also, it is next to impossible to predict the amount of time it will take for the Commission to deal with the many exceedingly difficult areas of law that will be considered within the next year or so.

The staff believes that the attached schedules are ambitious but that the goals set in the schedules are possible to meet.

Respectfully submitted,

John H. DeMouilly
Executive Secretary

Memorandum 72-58

EXHIBIT I

SCHEDULE FOR CONSIDERATION OF MAJOR TOPICS

November 9-11, 1972

Claim and Delivery Statute

Review of comments and determination of needed revisions

Prejudgment Attachment

Review of results of questionnaire

Tentative approval - Chapters 8 (levy procedure) and 1 (definitions)

Liquidated Damages

Condemnation

Date of valuation

Enhancement and blight

Discovery

November 30 - December 1, 2, 1972

Claim and Delivery Statute

Approval of recommendation for printing

Prejudgment Attachment

Tentative approval - Chapters 4, 5, and 6 (procedure for obtaining writ)

Condemnation

Compensation

Time of taking possession after final judgment

Liquidated Damages

January 1973

Prejudgment Attachment

Tentative approval - Chapters 7 (property subject to attachment), 9 (undertakings), 10 (liability), and 11 (examination of third persons)

Approval of tentative recommendation for distribution for comment

Liquidated Damages

Approval of tentative recommendation for distribution for comment

Condemnation

Approval of portion of tentatively approved statute and Comments for transmittal to printer: Chapter 7 (deposits and taking possession)

Review and discussion of preliminary portion of tentative recommendation:
Deposits and taking possession

Compensation

February 1973

Lessee's Abandoned Property

Condemnation

Compensation - approval of compensation chapter for transmittal to State
Bar Committee for comments

Procedure

Miscellaneous matters

March 1973

Condemnation

Procedure

Liquidated Damages

Review of comments on tentative recommendation

Lessee's Abandoned Property

Prejudgment Attachment

Jurisdictional attachment

April 1973

Prejudgment Attachment

Review of comments on tentative recommendation

Determination of method of dealing with jurisdictional attachment

Lessee's Abandoned Property

Approval of tentative recommendation for distribution for comment

Liquidated Damages

Approval of recommendation for printing

Condemnation

Procedure

May 1973

Prejudgment Attachment

Work on revising tentative statute

Condemnation

Procedure

June 1973

Prejudgment Attachment
Work on recommendation

Condemnation

Procedure - approval of procedure chapter for transmittal to State Bar
Committee
Compensation - review of comments of State Bar Committee on compensation
chapter
Apportionment of award

Lessee's Abandoned Property

Review of comments on tentative recommendation

July 1973

Prejudgment Attachment
Approval of recommendation for printing

Execution

Lessee's Abandoned Property

Approval of recommendation for printing

Condemnation

Apportionment of award
Arbitration
Small claims procedure

EXHIBIT II

STUDY 39 - CREDITORS' REMEDIES

THE CLAIM AND DELIVERY STATUTE

November 9-11

Review of comments and determination of needed revisions

November 30 - December 1-2

Approval for printing

PREJUDGMENT ATTACHMENT

November 9-11

Review of results of questionnaire
Tentative approval - Chapters 8 (levy procedure) and 1 (definitions)

November 30 - December 1-2

Tentative approval - Chapters 4, 5, and 6 (procedure for obtaining writ)

January 1973

Tentative approval - Chapters 7 (property subject to attachment), 9 (undertakings), 10 (liability), and 11 (examination of third persons)
Approval for distribution for comment

March 1973

Review of study on jurisdictional attachment (if available) and determination of substance of any needed provisions

April 1973

Review of comments on tentative recommendation

May and June 1973

Revision of tentative recommendation

July 1973

Approval of recommendation for printing

EXECUTION

July 1973

Review of staff background study and draft statute

September - December 1973

Work on draft statute

January 1974

Approval of tentative recommendation for distribution for comment

March 1974

Review of comments on tentative recommendation

April, May, and June 1974

Revision of tentative recommendation

July 1974

Approval of recommendation for printing

Other Matters:

- (1) Confession of judgment procedure
- (2) Default judgment procedure

SCHEDULE--STUDY 36 - CONDEMNATION

October 6-7

Approval of portion of tentatively approved statute and comments for transmittal to printer:

Chapter 6. The Right to Take

Review and discussion of preliminary portion of tentative recommendations:

The Right to Take

November 9-11

Date of Valuation

Enhancement and Blight

Discovery (discussion of State of Virginia draft of statute relating to written interrogatory or deposition of expert of other party with view of possibly soliciting comments on such draft)

November 30-December 1-2

Compensation:

Definition of fair market value provisions
Rule of just compensation provisions
Partial taking compensation rule provisions

Time of Taking Possession After Final Judgment

January 1973

Approval of portion of tentatively approved statute and comments for transmittal to printer:

Chapter 7. Deposit of Probable Just Compensation Prior to Judgment; Obtaining Possession Prior to Final Judgment

Review and discussion of preliminary portion of tentative recommendations:

Deposit of probable just compensation; obtaining possession prior to final judgment

Obtaining possession after final judgment

Compensation

February 1973

Compensation -- approval of compensation chapter for transmittal to State Bar Committee for comments

Interest on Award
Risk of loss
Proration of Taxes
Abandonment
Compensation for Subsequent Improvements

Date of Passage of Title

Procedure

March -- May 1973

Procedure

June 1973

Procedure - approval of procedure chapter for transmittal to State Bar Committee for comments

Review of comments of State Bar Committee and others on compensation chapter

Apportionment of the Award

July 1973

Apportionment of the Award

Arbitration

Small Claims Procedure

September 1973

Apportionment of the Award -- approval of apportionment of award chapter for transmittal to State Bar Committee for comments

Review of comments of State Bar Committee and others on procedure chapter

October 1973

Procedure

Evidence

Discovery

Amendments, Additions, Repeals in other statutes

November 1973

Approval of portions of tentatively approved statute and comments for transmittal to printer:

Chapter 5. Just Compensation and Measure of Damages

Chapter 8. Procedure

Review of comments of State Bar Committee on chapter on appointment of ward

December 1973

Approval of entire tentatively approved statute and comments for transmittal to printer

Review of draft of preliminary portion of entire tentative recommendation

January 1974

Approval for printing of tentative recommendation (statute, comments, and preliminary portion)

Introduction in legislature of tentative statute

February-June 1974

Work on perfecting statute

July 1974

Approval for printing of recommendation on eminent domain

State Bar Convention 1974

Interim hearing on eminent domain recommendation

January 1975

Introduction of bill to effectuate eminent domain recommendation