

## **Alabama Rules of Civil Procedure**

### **VIII. PROVISIONAL AND FINAL REMEDIES AND SPECIAL PROCEEDINGS**

#### **Rule 71A.**

##### **Condemnation of property. [Omitted.]**

#### **Committee Comments on 1973 Adoption**

The Committee has not proposed an adaptation of Federal Rule 71A, Condemnation. These rules do not apply to probate courts where condemnation proceedings originate. See, generally, Title 19, §§ 1-60, Code of Ala. Separate procedural requirements in the circuit courts, not applicable in Probate Courts, would cause unnecessary duplication in the event of an appeal. One of the strongest objections to existing eminent domain practice relates to the recovery of interest once the condemning authority has paid the damages into court. See *State v. LeCroy*, 279 Ala. 428, 186 So.2d 142 (1966). However, see Rule 67, Deposit in Court, wherein the judge may cause funds paid in court to be deposited at interest and make appropriate distribution of the interest.