

1/3/61

Third Supplement to Memorandum No. 97(1960)

Subject: Study No. 36(L) - Condemnation (Pretrial)

Attached is a section that the staff suggests be added at the end of the statute set out on pages 2-5 of the Supplement to Memorandum No. 97(1960).

Respectfully submitted,

John H. DeMouilly
Executive Secretary

SEC. 3. Section 1247b of the Code of Civil Procedure is amended to read:

1247b. Whenever in a condemnation proceeding only a portion of a parcel of property is sought to be taken and upon a request of a defendant to the plaintiff made at least 30 days prior to the time of the pretrial conference, or if no pretrial conference is held at least 30 days prior to the time of trial, the plaintiff shall [prepare] serve on the defendant or his attorney at least 15 days prior to the time of the pretrial conference, or if there is no pretrial conference at least 15 days prior to the time of trial;

(a) A map showing the boundaries of the entire parcel, indicating thereon the part to be taken [,] and the part remaining; and [, and shall serve an exact copy of such map on the defendant or his attorney at least fifteen (15) days prior to the time of trial.]

(b) A plan showing the manner of construction of the improvement proposed to be constructed by the plaintiff insofar as it affects such parcel.