

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
SOUTHERN DIVISION**

UNITED STATES OF AMERICA

PLAINTIFF

v.

CIVIL ACTION NO. 1:19-CV-00575-LG-RHW

**1.54 ACRES, MORE OR LESS, LOCATED IN HANCOCK
COUNTY, STATE OF MISSISSIPPI; ATLANTIC COAST
CONSERVANCY, INC., A GEORGIA NON-PROFIT
CORPORATION; AND HANCOCK COUNTY, MISSISSIPPI**

DEFENDANTS

**FINAL JUDGMENT APPROVING
STIPULATION OF JUST COMPENSATION**

Upon consideration of the Stipulation Of Just Compensation executed by the United States of America and Atlantic Coast Conservancy, Inc. (ACC), it is hereby **ORDERED, ADJUDGED AND DECREED** that:

1. As stated in the United States' Declaration of Taking (ECF No. 2), the property condemned in this case for which just compensation is owed is a fee simple absolute interest in approximately 1.54 acres of real property located in Hancock County, Mississippi (the subject property). With the Court's permission, on September 20, 2019, the United States deposited two thousand three hundred dollars (\$2,300) with the Court as its estimate of the just compensation due for the taking of the subject property. On that date, title to the subject property vested in the United States.

2. The United States and ACC have agreed that the amount of just compensation payable by the United States for the taking of the subject property, together with all improvements thereon and appurtenances thereto belonging, is ten thousand dollars (\$10,000), inclusive of interest, attorneys' fees, and costs. This settlement sum reflects *only* just compensation of the 1.54 acres at issue in this condemnation, it is not based on any expert

opinion or valuation of the same prepared for this case, and the parties have represented that their agreement upon this sum is based, in part, upon a mutual desire to resolve this matter amicably without incurring any further expense.

3. **Judgment shall be, and hereby is, entered against the United States in the amount of TEN THOUSAND DOLLARS (\$10,000).**

4. The other defendant initially named in this action is Hancock County, Mississippi Tax Assessor Jimmie Ladner, Jr., the local taxing authority. Mr. Ladner has disclaimed his office's interest in any compensation to be awarded in this action (ECF No. 17). As such, his office is not entitled to any distribution of the just compensation to be paid for the taking of the subject property.

5. Because the United States previously deposited two thousand three hundred dollars (\$2,300) as its estimate of just compensation, and because it has agreed that the just compensation due for the taking is a total of ten thousand dollars (\$10,000), the United States shall now make an additional deposit of seven thousand seven hundred dollars (\$7,700) to the Registry of the Court. If the United States does not deposit this amount, in full, within 30 calendar days of the entry of this final judgment, any unpaid portion of the seven thousand seven hundred dollars (\$7,700) shall accrue interest as provided in 40 U.S.C. § 3116. The Clerk is authorized to accept this deposit.

6. The said sum of ten thousand dollars (\$10,000) shall be full and just compensation and in full satisfaction of any and all claims of whatsoever nature against the United States by reason of the institution and prosecution of this action and taking of the subject property and estates described in the Declaration of Taking filed herein, together with all improvements thereon and appurtenances thereto belonging.

7. The said sum of ten thousand dollars (\$10,000) shall be subject to all taxes, assessments, liens, encumbrances, and charges of any nature existing against the subject property at the time title to the subject property vested in the United States, and all such taxes, assessments, liens, encumbrances, and charges are payable and deductible from said sum.

8. Defendant ACC has warranted that, as of the date of taking, it had the exclusive right to the just compensation herein, excepting the interests of other parties having liens or encumbrances of record and unpaid taxes and assessments, if any, and that no other person or entity is entitled to the same or any part thereof. In the event that a court of competent jurisdiction ultimately determines that any other person or entity is entitled to receive just compensation for the taking of the subject property, ACC shall refund into the Registry of the Court the ten thousand dollars (\$10,000) of just compensation paid by the United States, or any such part thereof as the Court may direct, with interest thereon calculated in accordance with 40 U.S.C. § 3116, from the date of ACC's receipt of the funds to the date of ACC's repayment into the Registry of the Court.

9. The parties shall be responsible for their own legal fees, costs, and expenses, including attorneys' fees, consultants' fees, expert's fees, transcript costs, and any other expenses relating to this litigation.

10. Upon the United States making the additional deposit required by paragraph five (5), above, the Clerk of the Court shall, without further order of this Court, disburse the total amount deposited for this action, together with any interest earned thereon, by issuing a check payable as follows and mailing the check to:

Cosmich Simmons & Brown, PLLC
Trust Account on behalf of Atlantic Coast Conservancy, Inc.
100 Vision Drive, Suite 200
Jackson, Mississippi 39211

11. Following the disbursement of the funds to ACC, this case shall be CLOSED.

SO ORDERED AND ADJUDGED this the 18th day of March, 2020.

s/ *Louis Guirola, Jr.*

Louis Guirola, Jr.
United States District Judge

FOR PLAINTIFF:

/s/ *Devin A. Wolak*

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