

**OPINION SUMMARY**

**MISSOURI COURT OF APPEALS EASTERN DISTRICT**

ST. LOUIS COUNTY, MISSOURI,	)	No. ED93472
Plaintiff/Appellant,	)	Appeal from the Circuit Court
v.	)	of St. Louis County
ROBERT C. WATSON, et al., Defendants,	)	Honorable Carolyn C. Whittington
and	)	Date: March 30, 2010
JOHN S. GARAGNANI AND DORIS A.	)	
GARAGNANI, Defendants/Respondents.	)	

The trial court awarded the landowners interest pursuant to section 523.045 RSMo (2000) on a damage award in an abandoned condemnation proceeding.

AFFIRMED.

Division One Holds:

1. The last sentence of section 523.045 RSMo (2000) gives the trial court discretion to award interest on the amount of the commissioner's award if the condemnation is abandoned within the time frame and under the circumstances set out in the statute.
2. This interest award represents compensation for the landowner's loss of the right to receive and use the money while the condemnation proceeding is pending.
3. Because the landowner's loss of the right to receive and use the money is a sufficient basis for an award of interest, the trial court can exercise its discretion to award interest under this part of the statute without an evidentiary hearing. Further, evidence that the landowner incurred non-recoverable damages in the form of other costs or monetary damages as a result of the pendency of condemnation proceedings is irrelevant.

Opinion by: Kathianne Knaup Crane, P.J.  
Clifford H. Ahrens, J. and Nannette A. Baker, J., concur.

Attorney for Appellant: Paul J. Puricelli

Attorneys for Respondent: Robert Denlow and Paul G. Henry

**THIS SUMMARY IS NOT PART OF THE OPINION OF THE COURT. IT HAS BEEN PREPARED FOR THE CONVENIENCE OF THE READER AND SHOULD NOT BE QUOTED OR CITED.**