

What is “Buy the Farm”?

Answers to frequently asked questions:

What is “Buy the Farm”?

“Buy the Farm” is a reference to a Minnesota law that provides certain property owners with the right to force a power company to purchase the owner’s entire home or farm rather than just purchasing an easement over the property.

Who is eligible?

The statute refers specifically to certain tax categories, but essentially, it’s homes, recreational residential property, apartments, and farms.

How much will you be paid?

You will be paid “fair market value” for your property. Fair market value is the value your property would sell for if you put it up for sale on the open market. The Huntley-Wilmarth 345 kV Transmission Line Project’s power companies will first appraise your property and make you an offer based on that appraisal. You are entitled to obtain your own appraisal and the power companies will be required to reimburse you up to \$3,000 for the actual cost of that appraisal. If your appraisal is higher than the power company’s appraisal, you can contest the amount of Huntley-Wilmarth’s offer in front of three court appointed commissioners who will ultimately determine the level of compensation to which you are entitled. That decision may be appealed to a jury.

In addition, Rinke Noonan lawyers have argued before courts in multiple counties where property owners opting to sell their property under the “Buy the Farm” statute are entitled to compensation sufficient for them to purchase a comparable property within the community. This analysis can result in you being paid more than fair market value if that is what it takes for you to purchase a comparable property to what you have.

What should I consider in determining whether “Buy the Farm” is right for me?

Some of the things you should consider include your willingness to live near a high voltage power line, impacts on trees and screening, and the economics. In weighing the economics, you need to consider the current level of debt on your home. Does it exceed the value? You also need to consider the real estate market that you will be buying into.

Will I be paid for my moving expenses?

Minnesota law says when a property owner is required to relocate as a result of a project such as the Huntley-Wilmarth project, the property owner is entitled to reimbursement of their actual

reasonable moving expenses as well as other relocation benefits and services. Our attorneys have steadfastly argued that property owners electing to sell their entire property under the “Buy the Farm” statute are entitled to these benefits.

How long will it take?

You should assume that the schedule will be driven by the acquisition process. There are many variables involved in determining the date of acquisition in eminent domain matters so it is difficult to give you a timeline without knowing the details of each case.

How can a lawyer help me?

The condemnation process and factors considered in property valuation are not something that most people deal with every day. Like pulling your own teeth, representing yourself in such matters is often ill advised. A lawyer can ensure the appraisers have appropriately considered compensable items and work to get you compensation sufficient to purchase a comparable property within the community. In addition, we can assist you in making claims for moving and other relocation expenses resulting from your move. We are familiar with the process and fought for months – all the way up to the Minnesota Supreme Court - to develop and define the “Buy the Farm” process to ensure that property owners are treated fairly.

The above information is general in nature. The law on “Buy the Farm” and condemnation is technical, and the above summary in no way addresses all of the issues or considerations. Prior to making any decision or taking any action, you should consult with a professional. Each property is individual and should be considered independently.