

persons who ought to be made parties, but who are not so made, there should be an allegation such as the one set out below:

John Doe named in this complaint is not made a party to this action [because he is not subject to the jurisdiction of this court]; [because he cannot be made a party to this action without depriving this court of jurisdiction].

**[Form 27. Abrogated Dec. 4, 1967, eff. July 1, 1968]**

NOTES OF ADVISORY COMMITTEE ON RULES—1967

The form of notice of appeal is transferred to the Federal Rules of Appellate Procedure as Form 1.

**Form 28. Notice: Condemnation**

United States District Court for the Southern District of New York

Civil Action, File Number \_\_\_\_\_

28AF28.EPS

To (here insert the names of the defendants to whom the notice is directed):

You are hereby notified that a complaint in condemnation has heretofore been filed in the office of the clerk of the United States District Court for the Southern District of New York, in the United States Court House in New York City, New York, for the taking (here state the interest to be acquired, as “an estate in fee simple”) for use (here state briefly the use, “as a site for a post-office building”) of the following described property in which you have or claim an interest.

(Here insert brief description of the property in which the defendants, to whom the notice is directed, have or claim an interest.)

The authority for the taking is (here state briefly, as “the Act of \_\_\_\_\_, Stat. \_\_\_\_\_, U.S.C., Title \_\_\_\_\_, § \_\_\_\_\_”).<sup>1</sup>

You are further notified that if you desire to present any objection or defense to the taking of your property you are required to serve your answer on the plaintiff’s attorney at the address herein designated within twenty days after \_\_\_\_\_.<sup>2</sup>

Your answer shall identify the property in which you claim to have an interest, state the nature and extent of the interest you claim, and state all of your objections and defenses to the taking of your property. All defenses and objections not so presented are waived. And in case of your failure so to answer the complaint, judgment of condemnation of that part of the above-described property in which you have or claim an interest will be rendered.

But without answering, you may serve on the plaintiff’s attorney a notice of appearance designating the property in which you claim to be

interested. Thereafter you will receive notice of all proceedings affecting it. At the trial of the issue of just compensation, whether or not you have previously appeared or answered, you may present evidence as to the amount of the compensation to be paid for your property, and you may share in the distribution of the award.

\_\_\_\_\_  
*United States Attorney.*

Address \_\_\_\_\_

(Here state an address within the district where the United States Attorney may be served as “United States Court House, New York, N.Y.”.)

Dated \_\_\_\_\_

<sup>1</sup> And where appropriate add a citation to any applicable Executive Order.

<sup>2</sup> Here insert the words “personal service of this notice upon you,” if personal service is to be made pursuant to subdivision (d)(3)(i) of this rule [Rule 71A]; or, insert the date of the last publication of notice, if service by publication is to be made pursuant to subdivision (d)(3)(ii) of this rule.

(As added May 1, 1951, eff. Aug. 1, 1951.)

**Form 29. Complaint: Condemnation**

United States District Court for the Southern District of New York

Civil Action, File Number \_\_\_\_\_

28AF29.EPS

1. This is an action of a civil nature brought by the United States of America for the taking of property under the power of eminent domain and for the ascertainment and award of just compensation to the owners and parties in interest.<sup>1</sup>

2. The authority for the taking is (here state briefly, as “the Act of \_\_\_\_\_, Stat. \_\_\_\_\_, U.S.C., Title \_\_\_\_\_, § \_\_\_\_\_”).<sup>2</sup>

3. The use for which the property is to be taken is (here state briefly the use, “as a site for a post-office building”).

4. The interest to be acquired in the property is (here state the interest as “an estate in fee simple”).

5. The property so to be taken is (here set forth a description of the property sufficient for its identification) or (described in Exhibit A hereto attached and made a part hereof).

6. The persons known to the plaintiff to have or claim an interest in the property<sup>3</sup> are:

(Here set forth the names of such persons and the interests claimed.)<sup>4</sup>

7. In addition to the persons named, there are or may be others who have or may claim some interest in the property to be taken, whose names are unknown to the plaintiff and on diligent inquiry have not been ascertained. They are made parties to the action under the designation “Unknown Owners.”