

28 and conduct a trial, including:

- 29 (a) court costs;
- 30 (b) expert witness fees;
- 31 (c) appraisal fees, except plaintiff's fees related to the additional appraisal described in
- 32 Subsection (3)(b); and
- 33 (d) reasonable attorney fees.

34 (2) The court shall have the power to:

35 (a) hear and determine all adverse or conflicting claims to the property sought to be
36 condemned, and the damages; and

37 (b) determine the respective rights of different parties seeking condemnation of the
38 same property.

39 (3) (a) A plaintiff described in Subsection [78B-6-507\(1\)\(a\)](#) may make a settlement
40 offer for purposes of this Subsection (3) at any time:

41 (i) following the close of discovery as ordered by the court, but no later than 60 days
42 before the first day of trial; or

43 (ii) if no order setting the close of discovery exists:

44 (A) more than nine months from the day that the complaint is filed; and

45 (B) no later than 60 days before the first day of trial.

46 (b) If more than 90 days has passed after an appraisal of the property sought to be
47 condemned as described in Subsection [78B-6-510\(3\)](#) and no additional appraisal has been
48 obtained related to a mediation or arbitration under Section [78B-6-522](#), or if an appraisal has
49 been obtained related to a mediation or arbitration under Section [78B-6-522](#) and more than 90
50 days has passed since that appraisal, before making a settlement offer described in Subsection
51 (3)(a), the plaintiff shall ~~§~~ **→ unless waived in writing by the defendant ←** § :

52 (i) obtain an additional appraisal of the property sought to be condemned:

53 (A) at the plaintiff's expense; and

54 (B) that uses a valuation date no more than 120 days before the trial date; and

55 (ii) use the appraisal with the higher value as part of determining just compensation for
56 the settlement offer.

57 ~~(b)~~ (c) Subject to Subsection (3)~~(c)~~(d), an offer under Subsection (3)(a) shall:

58 (i) be in writing;