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## Condemning Future Interests - Part 2

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In my last post, I discussed how contingent future interests are valued, where it is shown the contingent future interest holders are entitled to compensation under Section 1265.410(a)(1). But what if they are not? What are the rules for valuing the property then?

Subsection (b) to speaks to this situation. Where the use restriction requires the property to be devoted to a particular charitable or public use, and it did not appear that the property's owner would be violating the use restriction in the near future, the property must be valued at the same or similar charitable or public use coupled with the same contingent future interest. But, presumably, no compensation to the holder of the future interest.

Section 1265.410 is silent as to how the property is to be valued if the use restriction is not for a charitable or public use. So, presumably, the highest and best use of the property would apply.