
By: **Delegates Conroy, Cluster, Holmes, and Hubbard**

Introduced and read first time: January 13, 2006

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Eminent Domain - Condemnation Costs - Fees Incurred**

3 FOR the purpose of altering a certain requirement that a plaintiff must pay certain
4 fees incurred by a defendant in a condemnation proceeding; and generally
5 relating to condemnation costs.

6 BY repealing and reenacting, with amendments,
7 Article - Real Property
8 Section 12-106
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2005 Supplement)

11 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
12 MARYLAND, That the Laws of Maryland read as follows:

13 **Article - Real Property**

14 12-106.

15 (a) The plaintiff shall pay all the costs in the trial court.

16 (b) The costs in a condemnation proceeding include:

17 (1) The usual per diem to the jurors;

18 (2) The cost of transporting the trier of fact to view the property;

19 (3) The cost of meals for the jury if the court so orders;

20 (4) The cost of recording the inquisition among the land records and of
21 all documentary stamps which may be required in the transfer of the property to the
22 plaintiff; and

23 (5) [An allowance] THE COST to the defendant[, as fixed by the court,]
24 for the [reasonable] legal, appraisal, and [engineering] EXPERT fees actually

1 incurred by the defendant because of the condemnation proceeding[, if the judgment
2 is for the defendant on the right to condemn].

3 (c) In proceeding under Article III of the Constitution of the State, or any
4 amendment to it, the plaintiff shall pay interest at the rate of 6 percent per annum on
5 any difference between the amount of money initially paid into court for the use of the
6 defendant and the jury award as stated in the inquisition, from the date the money
7 was paid into court to the date of the inquisition or final judgment, whichever date is
8 later.

9 (d) On taking possession, acquiring the right to take possession, or the actual
10 transfer of title to the plaintiff, whichever occurs first, the plaintiff immediately shall
11 file with the supervisor of assessments for the county involved a written notification
12 or record setting forth in sufficient detail the area of the land and a description of any
13 improvement being acquired. If the plaintiff is an agency or instrumentality of the
14 State, the supervisor of assessments, on filing of the notification or record,
15 immediately shall remove the property from the tax rolls.

16 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
17 October 1, 2006.