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By: **Delegates Mandel, Cardin, Carter, DeBoy, Gilleland, James, Lee,  
McDonough, Morhaim, Pendergrass, and Sossi**

Introduced and read first time: February 6, 2006

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Condemnation Proceedings - Compensation - Defendant's Legal Fees**

3 FOR the purpose of providing that the costs in a condemnation proceeding include an  
4 allowance for certain legal fees if the judgment in a condemnation proceeding is  
5 for the plaintiff and the amount of damages awarded to the defendant is at least  
6 a certain percentage greater than the amount offered by the plaintiff; making a  
7 certain stylistic change; and generally relating to the defendant's legal fees in a  
8 condemnation proceeding.

9 BY repealing and reenacting, with amendments,

10 Article - Real Property

11 Section 12-106

12 Annotated Code of Maryland

13 (2003 Replacement Volume and 2005 Supplement)

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

16 **Article - Real Property**

17 12-106.

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

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

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

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

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

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

1           (5)     (I)     An allowance to the defendant, as fixed by the court, for the  
2 reasonable legal, appraisal, and engineering fees actually incurred by the defendant  
3 because of the condemnation proceeding, if the judgment is for the defendant on the  
4 right to condemn; OR

5                     (II)     AN ALLOWANCE TO THE DEFENDANT, AS FIXED BY THE COURT,  
6 FOR THE REASONABLE LEGAL FEES ACTUALLY INCURRED BY THE DEFENDANT  
7 BECAUSE OF THE CONDEMNATION PROCEEDING, IF:

8                             1.     THE JUDGMENT IS FOR THE PLAINTIFF ON THE RIGHT TO  
9 CONDEMN; AND

10                            2.     THE AMOUNT OF DAMAGES AWARDED TO THE  
11 DEFENDANT IS AT LEAST 10% GREATER THAN THE AMOUNT OFFERED BY THE  
12 PLAINTIFF.

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

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

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