

5. A reasonable counsel fee for the defendant, to be fixed by the court, if the judgment is for the defendant on the right to condemn.

5. AN ALLOWANCE TO THE DEFENDANT, TO BE FIXED BY THE COURT, FOR THE REASONABLE LEGAL, APPRAISAL AND ENGINEERING FEES ACTUALLY INCURRED BY THE DEFENDANT BECAUSE OF THE CONDEMNATION PROCEEDING, IF THE JUDGMENT IS FOR THE DEFENDANT ON THE RIGHT TO CONDEMN.

(C) IN PROCEEDINGS UNDER SECTIONS 40A OR 40B OF ARTICLE III OF THE CONSTITUTION OF THE STATE THE PLAINTIFF SHALL PAY INTEREST AT THE RATE OF 6 PER CENT PER ANNUM ON THE DIFFERENCE, IF ANY, BETWEEN THE AMOUNT OF MONEY INITIALLY PAID INTO COURT FOR THE USE OF THE DEFENDANT AND THE AWARD OF THE JURY AS STATED IN THE INQUISITION, FROM THE DATE THE MONEY WAS SO PAID INTO COURT AND THE DATE OF THE INQUISITION OR FINAL JUDGMENT, WHICHEVER DATE IS LATER.

(D) WHENEVER THE PLAINTIFF TAKES POSSESSION OR HAS THE RIGHT TO TAKE POSSESSION OR UPON THE ACTUAL TRANSFER OF TITLE TO THE PLAINTIFF, WHICHEVER OCCURS FIRST, THE PLAINTIFF SHALL IMMEDIATELY FILE WITH THE SUPERVISOR OF ASSESSMENTS FOR THE COUNTY INVOLVED OR BALTIMORE CITY, AS THE CASE MAY BE, A WRITTEN NOTIFICATION OR RECORD SETTING FORTH IN SUFFICIENT DETAIL THE AREA OF THE LAND AND A DESCRIPTION OF ANY IMPROVEMENT BEING ACQUIRED. UPON SUCH NOTIFICATION THE SUPERVISOR OF ASSESSMENTS, IF THE PLAINTIFF IS AN AGENCY OR INSTRUMENTALITY OF THE STATE OF MARYLAND, SHALL FORTHWITH REMOVE SUCH PROPERTY FROM THE TAX ROLLS.

Section 8.

(a) Any party to a condemnation case may appeal from a final judgment OR DETERMINATION to the Court of Appeals in the manner prescribed by the Maryland Rules.

(b) If upon appeal the final decision be that the plaintiff is not entitled to condemn the property, a reasonable counsel fee, to be fixed by the trial court, shall be awarded to counsel for the defendant and taxed against the plaintiff together with the other costs of the case.

(c) Costs in the Court of Appeals shall be paid as directed by the Court of Appeals.

(d) If Plaintiff desires possession pending appeal, it may make payment of the award pursuant to ~~Maryland Rule U23~~ SUBTITLE U OF THE MARYLAND RULES and in addition file with the Clerk of the Court a bond to the State of Maryland in such penalty as the Court may prescribe conditioned that in case said judgment shall be reversed, the plaintiff shall well and truly pay and satisfy the defendant so appealing all damages caused such defendant by the plaintiff by reason of the taking of possession and using of