

CLERK SHALL FORTHWITH MAKE SUCH ENTRIES ON HIS DOCKET AND JUDGMENT RECORD AS SHALL REFLECT SUCH EFFECT.

*2. Annulling any inquisition returned in the proceeding, and any judgment entered therein, to the extent that such inquisition or judgment affects the title of any defendant to the property which was sought to be condemned; and the clerk of any court where such inquisition has been recorded among the Land Records shall forthwith make a notation upon the recorded copy of such inquisition that the proceeding has been abandoned.*

(c) No proceeding for condemnation may be abandoned:

1. After taking has occurred, nor

*2. More than 120 days after the entry of final judgment, or, in case the plaintiff appeals from a final judgment awarding damages to the defendant by reason of the taking, after the receipt by the clerk of the lower court of the mandate of the Court of Appeals dismissing the appeal, affirming the judgment, entering judgment pursuant to Maryland Rule 875, or modifying the judgment without awarding a new trial. For the purposes of this section, an appeal stricken out pursuant to Maryland Rule 813, or voluntarily abandoned, shall be deemed not to have been taken.*

2. MORE THAN 120 DAYS AFTER THE ENTRY OF FINAL JUDGMENT, UNLESS AN APPEAL IS TAKEN THEREFROM, NOR,

3. IF AN APPEAL IS TAKEN FROM A FINAL JUDGMENT, MORE THAN 120 DAYS AFTER THE RECEIPT BY THE CLERK OF THE LOWER COURT OF A MANDATE OF THE COURT OF APPEALS EVIDENCING THE DISMISSAL OF THE APPEAL, THE AFFIRMANCE OF THE JUDGMENT, THE ENTRY OF JUDGMENT PURSUANT TO MARYLAND RULE 875, OR THE MODIFICATION OF THE JUDGMENT WITHOUT THE AWARD OF A NEW TRIAL. FOR THE PURPOSES OF THIS SECTION, AN APPEAL STRICKEN OUT PURSUANT TO MARYLAND RULE 813, OR VOLUNTARILY ABANDONED, SHALL BE DEEMED NOT TO HAVE BEEN TAKEN, BUT, IF THE APPEAL SO STRICKEN OUT OR VOLUNTARILY ABANDONED WAS TAKEN BY THE DEFENDANT, THE PLAINTIFF MAY ABANDON THE PROCEEDING WITHIN 120 DAYS AFTER THE APPEAL IS SO ABANDONED OR STRICKEN OUT, PROVIDED TAKING HAS NOT OCCURRED, AND, NOT THEREAFTER.

*(d) Upon the abandonment of a condemnation proceeding, the defendant shall be entitled to recover from the plaintiff the reasonable legal, appraisal and engineering fees actually incurred by the defendant because of the condemnation proceeding. If the parties agree as to the proper amount to be recovered by the defendant on account of such fees, they shall file with the clerk of the court a writing evidencing their agreement, and the clerk shall thereupon enter the amount agreed upon as a part of the costs. If the parties cannot agree as to the proper amount to be recovered by the defendant on account of such fees, the matter shall be determined by the court upon motion of either party, and the amount so determined by the court shall be entered as a part of the costs.*