

and using of the property of such defendant before the final determination of the appeal. The bond shall be executed by the plaintiff together with a surety or sureties approved by the court. Upon the payment as herein provided and filing of the bond, the plaintiff may at once take possession of the property or estate or interest therein of the defendant so appealing. If the judgment shall be affirmed by the Court of Appeals, the bond shall thereby be discharged. If the judgment shall be reversed by the Court of Appeals on the right of the plaintiff to condemn, the plaintiff shall at once surrender possession of the property or the estate of the defendant and the bond shall thereupon be liable to the defendant for all damages which have been occasioned to the defendant by the plaintiff in taking possession and using the property before final determination of the appeal. If the plaintiff is the State of Maryland, or any of its subdivisions or instrumentalities, no bond shall be required.

12-109. Payment of Judgment and Costs; Title Acquired.

(a) Upon payment of the judgment and costs by the plaintiff pursuant to the provisions of Subtitle U of the Maryland Rules, the plaintiff shall at once become vested with the title, estate or interest of the defendant in the property condemned.

(b) The title acquired in a condemnation proceeding shall be an absolute or fee-simple title and shall include all of the right, title and interest of each of the defendants to the proceedings whose property has been so condemned unless a different title is specified in the inquisition.

12-110. Abandonment of Condemnation Proceeding.

(a) Method.—The exclusive method of abandoning a proceeding for condemnation shall be by the plaintiff's filing in the proceeding a written election to abandon it. A copy of such election shall be served as provided in Maryland Rule 306 upon each defendant who has been personally subjected to the jurisdiction of the court. Every other defendant shall be notified of such election by service of a copy thereof or by such other means as the court may direct.

(b) Effect of filing election to abandon.—The filing of such election shall have the effect of:

(1.) Reducing any money judgment entered in the proceeding to a judgment for costs only; and the clerk shall forthwith make such entries on his docket and judgment record as shall reflect such effect.

(2.) Annuling 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) Limitation on abandonment.—No proceeding for condemnation may be abandoned:

(1.) After taking has occurred, nor

(2.) More than 120 days after the entry of final judgment, unless an appeal is taken therefrom, nor,