

**13-110. Determination by Commissioner whether patent should be issued; certificate of Commissioner.**

(a) *Time for determination.*—The certificate shall remain upon record in the office of the Commissioner for a period of six months from the date that it is filed by the surveyor. At the end of such period, the Commissioner shall promptly determine, on the basis of the criteria set forth in subsection (b), whether a patent should be issued.

(b) *Findings by Commissioner.*—A patent shall be prepared by the Commissioner and presented to the Governor only upon affirmative findings by the Commissioner that:

(1) No land described in the certificate has been held in possession for twenty years by a person other than the applicant and those through whom he derives title;

(2) No patent has theretofore been issued for any land shown in the certificate of the surveyor as vacant land;

(3) Any land shown in the certificate of the surveyor to have been resurveyed has been held in possession of the applicant and those through whom he derives title for the period of twenty years next preceding the date of filing the application;

(4) The valuation placed upon any vacant land pursuant to § 13-109 represents the actual fair market value of such land;

(5) No portion of any vacant land described in the certificate has been sought, by written request filed in the proceeding, by any agency of the State municipal corporation or governmental body of any State subdivision, for a purpose for which such agency, corporation or body has power of eminent domain; and

(6) All procedural requirements of this title have been fulfilled.

(c) *Determination without hearing.*—In any proceeding where a hearing is not required by § 13-111 or, if required, in which any of the matters to be determined by the Commissioner are not in issue, the Commissioner may make any determination referred to in subsection (b) on the basis of the documents filed in the proceeding as required or permitted by this subtitle. The Commissioner may, however, require a hearing at any time or for any relevant purpose and shall require such hearing before refusing to issue a patent.

(d) *Modification of certificate.*—If after consideration of the proceedings, including the evidence produced at any hearing which may be required, the Commissioner determines that it is proper to issue a patent only for a less quantity of land than is embraced within the certificate of the surveyor, he shall issue an amended warrant to the surveyor directing him within a period of ninety days to amend the certificate in accordance with such findings. If such determination is made by the Commissioner before a hearing has been held, all parties to the proceeding shall be given an opportunity to request such hearing prior to the issuance of the amended warrant. If such order is made and the effect of any such amendment is to include any land not embraced within the lines of the description and plat first returned, the period within which objections may be filed shall be extended to six months after the filing of the amended certificate and plat.