

TO TAKE THE PROPERTY BEFORE TRIAL PURSUANT TO ARTICLE III OF THE CONSTITUTION OF THE STATE, OR ANY AMENDMENT TO IT, AND THE REQUIRED PAYMENT HAS BEEN MADE TO THE DEFENDANT OR INTO COURT, ANY REQUIRED SECURITY HAS BEEN GIVEN, AND THE PLAINTIFF HAS TAKEN POSSESSION OF THE PROPERTY AND ACTUALLY AND LAWFULLY APPROPRIATED IT TO THE PUBLIC PURPOSES OF THE PLAINTIFF.

(2) IN EVERY OTHER CASE, IF THE PLAINTIFF PAYS THE JUDGMENT AND COSTS PURSUANT TO SUBTITLE U OF THE MARYLAND RULES.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-103 of the Code. The only changes are in style.

12-103. TIME VALUE DETERMINED.

UNLESS AN APPLICABLE STATUTE SPECIFIES A DIFFERENT TIME AS OF WHICH THE VALUE IS TO BE DETERMINED, THE VALUE OF THE PROPERTY SOUGHT TO BE CONDEMNED AND OF ANY ADJACENT PROPERTY OF THE DEFENDANT CLAIMED TO BE AFFECTED BY THE TAKING SHALL BE DETERMINED AS OF THE DATE OF THE TAKING, IF TAKING HAS OCCURRED, OR AS OF THE DATE OF TRIAL, IF TAKING HAS NOT OCCURRED.

REVISOR'S NOTE: This section presently appears as Art. 21, §12-104 of the Code. The only changes are in style.

12-104. DAMAGES TO BE AWARDED.

(A) FOR TAKING ENTIRE TRACT.

THE DAMAGES TO BE AWARDED FOR THE TAKING OF LAND IS ITS FAIR MARKET VALUE.

(B) WHERE PART OF TRACT TAKEN.

THE DAMAGES TO BE AWARDED WHERE LAND, OR ANY PART OF IT, IS TAKEN IS THE FAIR MARKET VALUE OF THE PART TAKEN, BUT NOT LESS THAN THE ACTUAL VALUE OF THE PART TAKEN PLUS ANY SEVERANCE OR RESULTING DAMAGES TO THE REMAINING LAND BY REASON OF THE TAKING AND OF FUTURE USE BY THE PLAINTIFF OF THE PART TAKEN. THE SEVERANCE OR RESULTING DAMAGES SHALL BE DIMINISHED TO THE EXTENT OF THE VALUE OF THE SPECIAL (PARTICULAR) BENEFITS TO THE REMAINDER ARISING FROM THE PLAINTIFF'S FUTURE USE OF THE PART TAKEN.

(C) RIGHT OF TENANT TO REMOVE IMPROVEMENT OR INSTALLATION.

FOR THE PURPOSE OF DETERMINING THE EXTENT OF THE