

THE BUSINESS IN THE SAME NAME, EITHER BY THEMSELVES OR JOINTLY WITH OTHERS, MAY DO SO, DURING THE AGREED TERM FOR THE PARTNERSHIP AND FOR THAT PURPOSE MAY POSSESS THE PARTNERSHIP PROPERTY, PROVIDED THEY SECURE THE PAYMENT BY BOND APPROVED BY THE COURT, OR PAY TO ANY PARTNER WHO HAS CAUSED THE DISSOLUTION WRONGFULLY, THE VALUE OF HIS INTEREST IN THE PARTNERSHIP AT THE DISSOLUTION, LESS ANY DAMAGES RECOVERABLE UNDER PARAGRAPH (1) (II) OF THIS SUBSECTION, AND IN LIKE MANNER INDEMNIFY HIM AGAINST ALL PRESENT OR FUTURE PARTNERSHIP LIABILITIES.

(3) A PARTNER WHO HAS CAUSED THE DISSOLUTION WRONGFULLY SHALL HAVE:

(I) IF THE BUSINESS IS NOT CONTINUED UNDER THE PROVISIONS OF PARAGRAPH (2) OF THIS SUBSECTION, ALL THE RIGHTS OF A PARTNER UNDER SUBSECTION (A), SUBJECT TO PARAGRAPH (1) (II), OF THIS SUBSECTION; OR

(II) IF THE BUSINESS IS CONTINUED UNDER PARAGRAPH (2) OF THIS SUBSECTION, THE RIGHT AS AGAINST HIS COPARTNERS AND ALL CLAIMING THROUGH THEM IN RESPECT OF THEIR INTERESTS IN THE PARTNERSHIP, TO HAVE THE VALUE OF HIS INTEREST IN THE PARTNERSHIP, LESS ANY DAMAGES CAUSED TO HIS COPARTNERS BY THE DISSOLUTION, ASCERTAINED AND PAID TO HIM IN CASH, OR THE PAYMENT SECURED BY BOND APPROVED BY THE COURT, AND TO BE RELEASED FROM ALL EXISTING LIABILITIES OF THE PARTNERSHIP; BUT IN ASCERTAINING THE VALUE OF THE PARTNER'S INTEREST THE VALUE OF THE GOOD-WILL OF THE BUSINESS SHALL NOT BE CONSIDERED.

REVISOR'S NOTE; This section presently appears as Art. 73A, §38. Cross-references are conformed.

The only other changes are technical changes in punctuation.

9-610. RIGHTS WHERE PARTNERSHIP IS DISSOLVED FOR FRAUD OR MISREPRESENTATION.

WHERE A PARTNERSHIP CONTRACT IS RESCINDED ON THE GROUND OF THE FRAUD OR MISREPRESENTATION OF ONE OF THE PARTIES THERETO, THE PARTY ENTITLED TO RESCIND IS, WITHOUT PREJUDICE TO ANY OTHER RIGHT, ENTITLED:

(1) TO A LIEN ON, OR RIGHT OR RETENTION OF, THE SURPLUS OF THE PARTNERSHIP PROPERTY AFTER SATISFYING THE PARTNERSHIP LIABILITIES TO THIRD PERSONS FOR ANY SUM OF MONEY PAID BY HIM FOR THE PURCHASE OF AN INTEREST IN THE PARTNERSHIP AND FOR ANY CAPITAL OR ADVANCES CONTRIBUTED BY HIM;