

13-409. NOTICE OF DETERMINATION TO ISSUE PATENT AND AMOUNTS OWED.

IF THE COMMISSIONER DETERMINES THAT A PATENT SHOULD BE ISSUED, HE SHALL CERTIFY HIS FINAL JUDGMENT TO THE APPLICANT AND THE PARTIES TO THE PROCEEDING. IN ADDITION, IF EITHER THE COMMISSIONER OR THE CIRCUIT COURT DETERMINES THAT A PATENT SHOULD BE ISSUED, THE COMMISSIONER SHALL MAIL TO THE APPLICANT A NOTICE:

- (1) OF THE PURCHASE PRICE FOR ANY VACANT LAND;
- (2) OF ANY EXPENSES OUTSTANDING AT THE TIME THE PATENT IS TO BE ISSUED; AND
- (3) THAT THE PROCEEDING WILL BE ABANDONED IF THE APPLICANT FAILS TO PAY THE PURCHASE PRICE AND ALL OUTSTANDING EXPENSES:

(I) WITHIN 45 DAYS OF RECEIPT OF THE NOTICE;
OR

(II) IF AN APPEAL IS FILED UNDER §13-410 OF THIS SUBTITLE, WITHIN 45 DAYS OF THE RENDERING ON APPEAL OF A FINAL DECISION TO ISSUE A PATENT.

13-410. JUDICIAL REVIEW.

(A) IN GENERAL.

(1) IF THE PROCEEDING IS HEARD BY THE COMMISSIONER UNDER §13-406 OF THIS SUBTITLE, THE FINAL JUDGMENT OF THE COMMISSIONER MAY BE APPEALED AS PROVIDED BY THE ADMINISTRATIVE PROCEDURE ACT.

(2) IF THE PROCEEDING IS REFERRED TO THE CIRCUIT COURT FOR DECLARATORY RELIEF UNDER §13-407 OF THIS SUBTITLE, THE FINAL JUDGMENT OF THE COURT MAY BE APPEALED AS PROVIDED IN §3-408.1 OF THE COURTS ARTICLE.

(B) EXCEPTION AS TO PURCHASE PRICE.

(1) ON APPEAL, THE PURCHASE PRICE FOR ANY VACANT LAND MAY BE CONTESTED ONLY:

(I) BY THE APPLICANT; OR

(II) IF THE COMMISSIONER OR THE COURT, AS THE CASE MAY BE, ESTABLISHES A PURCHASE PRICE UNDER §13-313(C) (2) OF THIS TITLE AT AN AMOUNT LESS THAN THAT ESTABLISHED BY THE ASSESSORS UNDER §13-313(C) (1) OF THIS TITLE, BY THE STATE.

(2) IF THE PURCHASE PRICE FOR VACANT LAND IS CONTESTED ON APPEAL, THE COURT HEARING THE APPEAL MAY SET THE PURCHASE PRICE AT ANY AMOUNT, NOT EXCEEDING THAT ESTABLISHED BY THE ASSESSORS UNDER §13-313(C) (1) OF THIS SUBTITLE, THAT THE COURT, BASED ON THE RECORD BEFORE IT,