

REVISOR'S NOTE: This section is new language derived without substantive change from the first and second sentences of Art. 89B, §18.

An express reference is added to indicate, as provided in the Maryland Rules, that an appeal under this section is to be heard de novo.

8-330. ALTERNATE DATE OF VALUATION.

IF, WITHIN 1 YEAR AFTER PAYMENT IS MADE UNDER §8-323 OF THIS SUBTITLE, THE COMMISSION FAILS TO ASCERTAIN THE ENTIRE AMOUNT TO BE PAID FOR THE PROPERTY AND ACQUIRE TITLE TO IT BY DEED OR CONDEMNATION OR, WITHIN THAT SAME 1-YEAR PERIOD, FAILS TO FILE TIMELY A PETITION FOR CONDEMNATION AS REQUIRED BY THE MARYLAND RULES, THEN THE FAIR VALUE OF THE PROPERTY SHALL BE THE GREATER OF THE VALUES DETERMINED AS OF:

(1) THE DATE THE TITLE TO THE PROPERTY IS ACQUIRED; AND

(2) THE DATE THE PAYMENT WAS MADE UNDER §8-323 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived from the last sentence of Art. 89B, §18. It is revised to conform with the interpretation of the present section by the Court of Appeals in State Roads Commission v. Pumphrey, 260 Md. 633 (1970), and State Roads Commission v. Orleans, 239 Md. 368 (1965).

Item (2) of this section is new language substituted for the present reference to "the date the plats...were recorded"; in this regard, see revisor's note to §8-238.

This section apparently is an exception to the general rule that the value of property is determined as of the date of the taking or the date of the trial, whichever is earlier. See §12-103 of the Real Property Article.

8-331. PAYMENT OF FINAL AWARD.

AT THE CONCLUSION OF ALL PROCEEDINGS, THE COMMISSION SHALL PAY TO THE PROPERTY OWNER:

(1) ANY EXCESS OF THE FINAL AWARD OVER THE AMOUNT PAID UNDER §8-323 OF THIS SUBTITLE; AND

(2) INTEREST ON THE EXCESS FROM THE DATE OF PAYMENT UNDER §8-323 OF THIS SUBTITLE AT THE RATE OF 6 PERCENT A YEAR.

REVISOR'S NOTE: This section is new language derived