

In subsection (a)(1) of this section, the words "bill of complaint" are new language added for clarity. No substantive change is intended.

In subsection (c) of this section, "an agreement between the parties" is substituted for the former language "another agreement", for clarity.

Also in subsection (c) of this section, "the court is bound by that agreement" is substituted for the former language "the provisions of that agreement shall control", for clarity.

The Commission to Revise the Annotated Code calls the attention of the General Assembly to an ambiguity regarding the effect of an agreement between the parties, to which reference is made in subsection (c) of this section. Under § 8-103 of this article, the court may modify any provision of an agreement between spouses with respect to alimony, unless the agreement expressly waives alimony or provides that the provisions of the agreement with respect to alimony are not subject to modification by the court. The ambiguity arises in the use of the words "final disposition" in subsection (c) of this section and in former Article 16, § 1(a). It is unclear whether those words refer to the court's lack of capacity to modify an agreement under 1 of the conditions specified in § 8-103 of this article, or whether they refer simply to a completed agreement with respect to alimony that does not include a restriction on the court's capacity to modify it later. If the interpretation that "final disposition" refers to § 8-103 of this article is appropriate, the General Assembly may wish either to reiterate in this section the provisions of § 8-103 of this article, or to delete the provision in this section as unnecessary.

The Commission to Revise the Annotated Code also notes, for consideration by the General Assembly, that a reference to an "agreement between the parties" appears in § 11-106(b)(10) of this title. That reference is equally unclear.

11-102. SAME -- ALIMONY PENDENTE LITE.

IN A PROCEEDING FOR DIVORCE, ALIMONY, OR ANNULMENT OF MARRIAGE, THE COURT MAY AWARD ALIMONY PENDENTE LITE TO EITHER PARTY.

REVISOR'S NOTE: This section formerly appeared as Article 16, § 1(e).

The reference to "a proceeding for divorce, alimony, or annulment of marriage" is new language added for