

Bond Case Briefs

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EMINENT DOMAIN - BALTIMORE

Xu v. Mayor of Baltimore

Court of Special Appeals of Maryland - March 30, 2022 - A.3d - 2022 WL 951849

City filed condemnation action regarding vacant property.

After bench trial, entered judgment as to just compensation. Landowner appealed.

The Court of Special Appeals held that:

- Landowner did not waive right to jury trial, and
- Trial court abused its discretion in precluding landowner from testifying as to property's value and as to how landowner arrived at that value.

Landowner, who was proceeding pro se, did not waive her right to jury trial of condemnation action by initially agreeing to bench trial during telephone status conference and by stating at subsequent hearing that she had not filed anything in writing with court clerk since date of status order entered one day after landowner filed written request for jury trial; landowner clearly expressed desire for jury trial and had requested one in a writing filed with court, there was no evidence of discovery violation with a resulting sanction or that landowner was trying to frustrate the efficient adjudication of court system, and there was no written election for bench trial by all parties.

Trial court abused its discretion in precluding landowner from testifying in condemnation proceeding as to her property's value and as to how she arrived at that value, based on determination that landowner had not been qualified as an expert; as owner, landowner was presumptively competent to give opinion as to value of property, and thus it followed that landowner was able to testify as to how she arrived at that opinion, and any lack of expert status went to weight of testimony rather than admissibility.