

HOUSE BILL 1312

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5lr1306

By: **Delegates Reilly, Arian, M. Morgan, T. Morgan, and Nawrocki**

Introduced and read first time: February 7, 2025

Assigned to: Environment and Transportation and Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Partition of Property – Liens**

3 FOR the purpose of requiring a party to a partition action to timely notify the court of the
4 type and amount of each outstanding lien on the property if the plaintiff does not
5 procure a title report; altering the calculation of the purchase price for the interest
6 of a cotenant by subtracting the amount of outstanding liens owed on the property
7 from the value of the entire parcel; and generally relating to liens and the partition
8 of real property.

9 BY repealing and reenacting, without amendments,
10 Article – Real Property
11 Section 14–701(a) and (c) and 14–708(a)
12 Annotated Code of Maryland
13 (2023 Replacement Volume and 2024 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Real Property
16 Section 14–703 and 14–708(c)
17 Annotated Code of Maryland
18 (2023 Replacement Volume and 2024 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
20 That the Laws of Maryland read as follows:

21 **Article – Real Property**

22 14–701.

23 (a) In this subtitle the following words have the meanings indicated.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(c) "Partition by sale" means a court-ordered sale of property, whether by auction, sealed bids, or open-market sale conducted under § 14-711 of this subtitle.

14-703.

(A) In an action under this subtitle, the court on its own motion or on motion of any party may issue an order:

(1) For the appointment of an attorney to protect the interest of any party to the same extent and effect as provided under Rule 2-203 of the Maryland Rules with respect to individuals not in being;

(2) To require joinder of any additional parties that are necessary or proper; and

(3) To require that the plaintiff:

(i) Procure a title report supported by an affidavit by the person making the title search that a complete search of the public records has been performed in accordance with generally accepted standards of title examination for the appropriate period as determined by the court, but not less than 60 years; and

(ii) Designate a place where the title report shall be kept for inspection, use, and copying by the parties.

(B) (1) IF A PLAINTIFF DOES NOT PROCURE A TITLE REPORT IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION, EACH PARTY SHALL TIMELY NOTIFY THE COURT OF THE TYPE AND AMOUNT OF EACH OUTSTANDING LIEN ON THE PROPERTY THAT THE PARTY KNOWS OR SHOULD KNOW OF, INCLUDING ANY MORTGAGE, DEED OF TRUST, TAX LIEN, AND JUDGMENT LIEN.

(2) THE NOTICE TO THE COURT UNDER THIS SUBSECTION SHALL INCLUDE SUPPORTING DOCUMENTATION FOR EACH OUTSTANDING LIEN ON THE PROPERTY AND THE AMOUNT OWED.

14-708.

(a) If any cotenant requested partition by sale, after the determination of value under § 14-707 of this subtitle, the court shall send notice to the parties that any cotenant, except a cotenant that requested partition by sale, may buy all the interests of the cotenants that requested partition by sale.

(c) The purchase price for each of the interests of a cotenant that requested partition by sale is the **PRODUCT OF:**

1 **(1)** **THE** value of the entire parcel determined under § 14–707 of this
2 subtitle [multiplied by the] **MINUS THE TOTAL AMOUNT OF EACH OUTSTANDING LIEN**
3 **ON THE PROPERTY, INCLUDING ANY MORTGAGE, DEED OF TRUST, TAX LIEN, AND**
4 **JUDGMENT LIEN; AND**

5 **(2)** **THE** cotenant's fractional ownership of the entire parcel.

6 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
7 apply only prospectively and may not be applied or interpreted to have any effect on or
8 application to any partition action filed before the effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.