

BY: Committee on Ways and Means

AMENDMENTS TO HOUSE BILL NO. 157

(First Reading File Bill)

AMENDMENT NO. 1

In line 2, strike "Personal Property Tax" and substitute "Real Property - Recordation"; in the same line, after "Unpaid" insert "Personal Property"; strike beginning with "clarifying" in line 3 down through "lien" in line 5 and substitute "providing that certain requirements for payment of certain personal property taxes before certain property may be transferred on the assessment books or records do not apply to certain grants of land made by a deed in lieu of foreclosure; providing that certain land is free and clear of any lien or claim of lien for unpaid taxes on personal property under certain circumstances"; in line 5, strike "and"; in the same line, after "Act" insert "; and generally relating to certain liens for unpaid personal property taxes"; in line 7, strike "Tax - Property" and substitute "Real Property"; in line 8, strike "14-804(b)" and substitute "3-104(c)(1)"; and in line 10, strike "1994" and substitute "1996".

AMENDMENT NO. 2

On page 1, strike in their entirety lines 13 through 26, inclusive, and substitute:

"Article - Real Property

3-104.

(c) (1) (I) The requirements for prepayment of personal property taxes in subsection (b) OF THIS SECTION do not apply to grants of land made [by]:

1. BY or on behalf of [any of the following:] any mortgagee, lien creditor, trustee of a deed of trust, judgment creditor, trustee in bankruptcy or receiver, and any other court-appointed officer in an insolvency or liquidation proceeding; OR

2. BY A DEED IN LIEU OF FORECLOSURE TO ANY

(Over)

HOLDER OF A MORTGAGE OR DEED OF TRUST OR TO THE HOLDER'S ASSIGNEE OR DESIGNEE.

(II) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, AND EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS PARAGRAPH, AFTER THE RECORDATION OF A DEED OR OTHER INSTRUMENT THAT EFFECTS A GRANT OF LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH, THE LAND SHALL BE FREE AND CLEAR OF, AND UNENCUMBERED BY, ANY LIEN OR CLAIM OF LIEN FOR ANY UNPAID TAXES ON PERSONAL PROPERTY.

(III) SUBPARAGRAPH (II) OF THIS PARAGRAPH DOES NOT APPLY TO:

1. ANY LIEN FOR UNPAID TAXES ON PERSONAL PROPERTY THAT ATTACHED TO THE LAND BY RECORDING AND INDEXING A NOTICE AS PROVIDED IN § 14-804(B) OF THE TAX - PROPERTY ARTICLE PRIOR TO THE RECORDING OF THE MORTGAGE, LIEN, DEED OF TRUST, OR OTHER ENCUMBRANCE GIVING RISE TO THE GRANT OF LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH; OR

2. UNPAID TAXES ON PERSONAL PROPERTY OWED BY THE TRANSFEREE OR SUBSEQUENT OWNER OF THE LAND AFTER A GRANT OF LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.

(IV) THIS PARAGRAPH DOES NOT AFFECT THE RIGHTS OF THE PERSONAL PROPERTY TAX LIENHOLDER TO MAKE A CLAIM TO ANY SURPLUS PROCEEDS FROM A JUDICIAL SALE OF LAND RESULTING IN A GRANT OF LAND DESCRIBED IN SUBPARAGRAPH (I) OF THIS PARAGRAPH.”.

In line 28, after “liens” insert “or claims of liens”.