
By: **Delegate Brown**
Introduced and read first time: February 18, 2000
Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Grants of Property - Business Trusts**

3 FOR the purpose of excluding certain business trusts from provisions of law providing
4 that a grant of property to a certain trust has the same effect as if the grantor
5 had granted the property to a certain trustee; and generally relating to a grant
6 of property to certain trusts.

7 BY repealing and reenacting, with amendments,
8 Article - Real Property
9 Section 2-122
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1999 Supplement)

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

14 **Article - Real Property**

15 2-122.

16 (a) (1) In this section, "trust" means an express inter vivos or testamentary
17 trust.

18 (2) "Trust" includes the following instruments or funding arrangements
19 in the nature of a trust:

- 20 (i) A profit sharing plan;
- 21 (ii) A retirement plan;
- 22 (iii) A liquidating or liquidation plan; and
- 23 (iv) An unincorporated foundation.

24 (3) "Trust" does not include:

1 (i) A real estate investment trust as defined in § 8-101 of the
2 Corporations and Associations Article; [or]

3 (II) A BUSINESS TRUST AS DEFINED IN § 12-101(C) OF THE
4 CORPORATIONS AND ASSOCIATIONS ARTICLE; OR

5 [(ii)] (III) A trust, formed under the law of another state or a foreign
6 country, that authorizes a trust to take, hold, and dispose of title to property in the
7 name of the trust.

8 (b) (1) A grant of property by deed to a grantee designated in the deed as a
9 trust has the same effect as if the grantor had granted the property to the trustee or
10 trustees appointed and acting for the trust on the effective date of the deed.

11 (2) A grant of property by deed to a grantee designated in the deed as an
12 estate of a decedent, including the estate of a nonresident decedent, has the same
13 effect as if the grantor had granted the property to:

14 (i) The personal representative or personal representatives
15 appointed by a register of wills or orphans' court in the State for the estate and acting
16 as the personal representative on the effective date of the deed; or

17 (ii) A foreign personal representative exercising the powers of the
18 office for the estate of a nonresident decedent on the effective date of the deed.

19 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
20 October 1, 2000.