

# HOUSE BILL 1129

N1, D3

5lr2625  
CF SB 837

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By: **Delegates O'Donnell and Dumais**

Introduced and read first time: February 19, 2015

Assigned to: Rules and Executive Nominations

Re-referred to: Environment and Transportation, March 9, 2015

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 20, 2015

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Actions to Quiet Title**

3 FOR the purpose of authorizing a certain action to be brought to establish title against  
4 adverse claims to property; establishing that certain remedies are cumulative and  
5 not exclusive of certain other remedies, form or right of action, or proceedings;  
6 authorizing a court in certain actions or proceedings to require that certain issues be  
7 resolved in accordance with certain provisions of law; providing for jurisdiction,  
8 venue, and the application of certain statutes and rules in an action under this Act;  
9 establishing that an action under this Act is commenced by filing a complaint;  
10 providing for the manner of establishing notice of the pendency of a certain action;  
11 requiring a certain notice to be sent to certain holders of security interests; requiring  
12 the filing of a certain affidavit acknowledging that the plaintiff sent certain notices;  
13 providing for the effect of the failure of a holder of a security interest to receive a  
14 certain notice; establishing requirements for a complaint, an answer to a complaint,  
15 a cross-complaint, naming of defendants, joinder of parties, and service of process in  
16 an action under this Act; requiring the court to take certain actions in an action  
17 under this Act; providing for the recording of a certain judgment; providing for the  
18 admissibility and effect of certain evidence; providing that certain provisions of this  
19 Act do not deprive a party of a right to a jury trial; providing for the effect of a  
20 judgment in an action under this Act; defining certain terms; and generally relating  
21 to actions to quiet title.

22 BY repealing and reenacting, with amendments,  
23 Article – Real Property

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**EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 Section 14–108  
 2 Annotated Code of Maryland  
 3 (2010 Replacement Volume and 2014 Supplement)

4 BY adding to  
 5 Article – Real Property  
 6 Section 14–601 through 14–628, to be under the new subtitle “Subtitle 6. Actions to  
 7 Quiet Title”  
 8 Annotated Code of Maryland  
 9 (2010 Replacement Volume and 2014 Supplement)

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

12 **Article – Real Property**

13 14–108.

14 (a) Any person in actual peaceable possession of property, or, if the property is  
 15 vacant and unoccupied, in constructive and peaceable possession of it, either under color of  
 16 title or claim of right by reason of his or his predecessor’s adverse possession for the  
 17 statutory period, when his title to the property is denied or disputed, or when any other  
 18 person claims, of record or otherwise to own the property, or any part of it, or to hold any  
 19 lien encumbrance on it, regardless of whether or not the hostile outstanding claim is being  
 20 actively asserted, and if an action at law or proceeding in equity is not pending to enforce  
 21 or test the validity of the title, lien, encumbrance, or other adverse claim, the person may  
 22 maintain a suit in [equity] **ACCORDANCE WITH SUBTITLE 6 OF THIS TITLE** in the county  
 23 where the property lies to quiet or remove any cloud from the title, or determine any  
 24 adverse claim.

25 (b) The proceeding shall be deemed in rem or quasi in rem so long as the only  
 26 relief sought is a decree that the plaintiff has absolute ownership and the right of  
 27 disposition of the property, and an injunction against the assertion by the person named as  
 28 the party defendant, of his claim by any action at law or otherwise. Any person who appears  
 29 of record, or claims to have a hostile outstanding right, shall be made a defendant in the  
 30 proceedings.

31 **SUBTITLE 6. ACTIONS TO QUIET TITLE.**

32 **14–601.**

33 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
 34 **INDICATED.**

35 **(B) “CLAIM” INCLUDES A LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE,**  
 36 **LIEN, OR INTEREST IN PROPERTY OR A CLOUD ON THE TITLE TO PROPERTY.**

1           **(C) “HOLDER OF A SECURITY INTEREST” MEANS:**

2                   **(1) THE TRUSTEE, BENEFICIARY, NOMINEE, OR ASSIGNEE OF**  
3 **RECORD, IF ANY, OF A RECORDED DEED OF TRUST; OR**

4                   **(2) A MORTGAGEE OF A RECORDED MORTGAGE.**

5           ~~(D)~~ **(D) “PROPERTY” MEANS REAL PROPERTY OR ANY INTEREST IN OR**  
6 **APPURTENANT TO REAL PROPERTY, INCLUDING FIXTURES.**

7           **(E) “SECURITY INSTRUMENT” MEANS:**

8                   **(1) A RECORDED MORTGAGE OR DEED OF TRUST; OR**

9                   **(2) A RECORDED ASSIGNMENT OF A RECORDED MORTGAGE OR DEED**  
10 **OF TRUST.**

11 **14-602.**

12           AN ACTION MAY BE BROUGHT UNDER THIS SUBTITLE TO ESTABLISH TITLE  
13 AGAINST ADVERSE CLAIMS TO PROPERTY, INCLUDING ADVERSE CLAIMS DESCRIBED  
14 IN § 14-108 OF THIS TITLE.

15 **14-603.**

16           **(A) THE REMEDY PROVIDED IN THIS SUBTITLE IS CUMULATIVE AND NOT**  
17 **EXCLUSIVE OF ANY OTHER REMEDY, FORM OR RIGHT OF ACTION, OR PROCEEDING**  
18 **PROVIDED BY LAW FOR ESTABLISHING OR QUIETING TITLE TO PROPERTY.**

19           **(B) IN AN ACTION OR PROCEEDING IN WHICH ESTABLISHING OR QUIETING**  
20 **TITLE TO PROPERTY IS IN ISSUE, THE COURT MAY, ON MOTION OF ANY PARTY,**  
21 **REQUIRE THAT THE ISSUE BE RESOLVED IN ACCORDANCE WITH THIS SUBTITLE TO**  
22 **THE EXTENT PRACTICABLE.**

23 **14-604.**

24           **(A) THE CIRCUIT COURTS HAVE JURISDICTION OVER ACTIONS UNDER THIS**  
25 **SUBTITLE.**

26           **(B) IN AN ACTION UNDER THIS SUBTITLE, THE COURT HAS COMPLETE**  
27 **JURISDICTION OVER THE PARTIES TO THE ACTION AND THE PROPERTY DESCRIBED**  
28 **IN THE COMPLAINT AND IS DEEMED TO HAVE OBTAINED POSSESSION AND CONTROL**

1 OF THE PROPERTY FOR THE PURPOSES OF THE ACTION WITH COMPLETE  
2 JURISDICTION TO RENDER A JUDGMENT IN ACCORDANCE WITH THIS SUBTITLE.

3 (C) THIS SUBTITLE DOES NOT LIMIT ANY AUTHORITY THE COURT MAY HAVE  
4 TO GRANT ANY EQUITABLE RELIEF THAT MAY BE PROPER UNDER THE  
5 CIRCUMSTANCES OF THE CASE.

6 14-605.

7 SUBJECT TO THE POWER OF THE COURT TO TRANSFER ACTIONS, THE PROPER  
8 COUNTY FOR THE TRIAL OF AN ACTION UNDER THIS SUBTITLE IS THE COUNTY IN  
9 WHICH THE PROPERTY, OR ANY PART OF THE PROPERTY, IS LOCATED.

10 14-606.

11 THE STATUTES AND RULES GOVERNING PRACTICE IN CIVIL ACTIONS  
12 GENERALLY APPLY TO ACTIONS UNDER THIS SUBTITLE, EXCEPT TO THE EXTENT  
13 THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS SUBTITLE.

14 14-607.

15 (A) AN ACTION UNDER THIS SUBTITLE IS COMMENCED BY FILING A  
16 COMPLAINT WITH THE COURT.

17 (B) THE FILING OF A COMPLAINT CREATES NOTICE OF THE PENDENCY OF  
18 THE ACTION WITH RESPECT TO PROPERTY DESCRIBED IN THE COMPLAINT AND  
19 LOCATED WITHIN THE COUNTY WHERE THE ACTION IS PENDING, AS PROVIDED IN  
20 RULE 12-102 OF THE MARYLAND RULES.

21 (C) TO THE EXTENT THAT THE PROPERTY IS LOCATED IN A COUNTY OTHER  
22 THAN THE COUNTY WHERE THE ACTION IS PENDING, IMMEDIATELY ON  
23 COMMENCEMENT OF THE ACTION, THE PLAINTIFF SHALL RECORD A NOTICE OF THE  
24 PENDENCY OF THE ACTION IN THE LAND RECORDS OF EACH COUNTY IN WHICH ANY  
25 PROPERTY DESCRIBED IN THE COMPLAINT IS LOCATED IN ACCORDANCE WITH RULE  
26 12-102 OF THE MARYLAND RULES.

27 (D) (1) AT THE TIME A COMPLAINT IS FILED UNDER THIS SUBTITLE, THE  
28 PLAINTIFF SHALL SEND NOTICE TO EACH HOLDER OF A SECURITY INTEREST THAT  
29 IS NOT NAMED AS A PARTY IN THE COMPLAINT.

30 (2) THE NOTICE REQUIRED BY THIS SUBSECTION SHALL INCLUDE A  
31 COPY OF THE FILED COMPLAINT WITH EXHIBITS AND A STATEMENT THAT:

1                   **(I) THE PROPERTY FOR WHICH THE PLAINTIFF SEEKS A**  
2 **DETERMINATION OF TITLE MAY BE SUBJECT TO CLAIMS OF THE HOLDER OF THE**  
3 **SECURITY INTEREST;**

4                   **(II) THE HOLDER OF THE SECURITY INTEREST IS NOT A PARTY**  
5 **IN THE PROCEEDING AND ANY JUDGMENT IN THE PROCEEDING WILL NOT AFFECT**  
6 **ANY CLAIM OF THE HOLDER OF THE SECURITY INTEREST IN THE PROPERTY; AND**

7                   **(III) IF THE HOLDER OF THE SECURITY INTEREST ELECTS TO**  
8 **APPEAR IN THE PROCEEDING, THE HOLDER OF THE SECURITY INTEREST WILL**  
9 **APPEAR AS A DEFENDANT AND BE BOUND BY ANY JUDGMENT ENTERED IN THE**  
10 **PROCEEDING.**

11                   **(3) THE NOTICE REQUIRED BY THIS SUBSECTION SHALL BE SENT BY**  
12 **CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND BY FIRST-CLASS MAIL, TO**  
13 **EACH HOLDER OF A SECURITY INTEREST:**

14                   **(I) AT THE ADDRESS FOR RECEIPT OF NOTICE INDICATED IN**  
15 **THE SECURITY INSTRUMENT THAT IDENTIFIES THE HOLDER OF THE SECURITY**  
16 **INTEREST; OR**

17                   **(II) IF NO ADDRESS FOR RECEIPT OF NOTICE IS INDICATED IN**  
18 **THE SECURITY INSTRUMENT, AT THE LAST KNOWN ADDRESS OF THE HOLDER OF THE**  
19 **SECURITY INTEREST.**

20                   **(4) (I) THE PLAINTIFF SHALL FILE WITH THE COURT AN AFFIDAVIT**  
21 **ACKNOWLEDGING THAT THE PLAINTIFF SENT ALL NOTICES REQUIRED BY THIS**  
22 **SUBSECTION.**

23                   **(II) THE AFFIDAVIT REQUIRED BY THIS PARAGRAPH SHALL BE**  
24 **ACCOMPANIED BY A LIST OF THE NAMES AND ADDRESSES OF EACH HOLDER OF A**  
25 **SECURITY INTEREST TO WHICH THE PLAINTIFF SENT NOTICE.**

26                   **(5) FAILURE OF A HOLDER OF A SECURITY INTEREST TO RECEIVE THE**  
27 **NOTICE REQUIRED BY THIS SUBSECTION MAY NOT AFFECT ANY JUDGMENT**  
28 **ENTERED IN THE PROCEEDING OR ANY CLAIM OF A HOLDER OF A SECURITY**  
29 **INTEREST WHO IS NOT MADE A DEFENDANT IN THE PROCEEDING.**

30 **14-608.**

31                   **A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL**  
32 **INCLUDE:**

1           **(1) A DESCRIPTION OF THE PROPERTY THAT IS THE SUBJECT OF THE**  
2 **ACTION, INCLUDING BOTH ITS LEGAL DESCRIPTION AND ITS STREET ADDRESS OR**  
3 **COMMON DESIGNATION, IF ANY;**

4           **(2) (I) THE TITLE OF THE PLAINTIFF AS TO WHICH A**  
5 **DETERMINATION UNDER THIS SUBTITLE IS SOUGHT AND THE BASIS OF THE TITLE;**  
6 **AND**

7                   **(II) IF THE TITLE IS BASED ON ADVERSE POSSESSION, THE**  
8 **SPECIFIC FACTS CONSTITUTING THE ADVERSE POSSESSION;**

9           **(3) THE ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF AGAINST**  
10 **WHICH A DETERMINATION IS SOUGHT;**

11           **(4) (I) THE DATE AS OF WHICH THE DETERMINATION IS SOUGHT;**  
12 **AND**

13                   **(II) IF THE DETERMINATION IS SOUGHT AS OF A DATE OTHER**  
14 **THAN THE DATE THE COMPLAINT IS FILED, A STATEMENT OF THE REASONS WHY A**  
15 **DETERMINATION AS OF THAT DATE IS SOUGHT;**

16           **(5) A COPY OF A TITLE REPORT SUPPORTED BY AN AFFIDAVIT BY THE**  
17 **PERSON MAKING THE SEARCH THAT A COMPLETE SEARCH OF THE PUBLIC RECORDS**  
18 **HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS**  
19 **OF TITLE EXAMINATION FOR THE PERIOD OF AT LEAST 40 YEARS IMMEDIATELY**  
20 **BEFORE THE FILING OF THE COMPLAINT; AND**

21           **(6) A PRAYER FOR A DETERMINATION OF THE TITLE OF THE**  
22 **PLAINTIFF AGAINST THE ADVERSE CLAIMS.**

23 **14-609.**

24           **(A) AN ANSWER TO A COMPLAINT UNDER THIS SUBTITLE SHALL BE**  
25 **VERIFIED AND SHALL SET FORTH:**

26                   **(1) ANY CLAIM THE DEFENDANT HAS TO THE PROPERTY THAT IS THE**  
27 **SUBJECT OF THE ACTION;**

28                   **(2) ANY FACTS TENDING TO CONTROVERT ANY MATERIAL**  
29 **ALLEGATIONS OF THE COMPLAINT THAT THE DEFENDANT DOES NOT WISH TO BE**  
30 **TAKEN AS TRUE; AND**

31                   **(3) A STATEMENT OF ANY NEW MATTER CONSTITUTING A DEFENSE.**

1           **(B) IF THE DEFENDANT DISCLAIMS IN THE ANSWER ANY CLAIM, OR ALLOWS**  
2 **JUDGMENT TO BE TAKEN WITHOUT ANSWER, THE PLAINTIFF MAY NOT RECOVER**  
3 **COSTS.**

4 **14-610.**

5           **(A) A DEFENDANT IN AN ACTION UNDER THIS SUBTITLE MAY SEEK**  
6 **AFFIRMATIVE RELIEF IN THE ACTION BY FILING A CROSS-COMPLAINT.**

7           **(B) IF A DEFENDANT SEEKS A DETERMINATION OF TITLE AS OF A DATE**  
8 **OTHER THAN THE DATE SPECIFIED IN THE COMPLAINT, THE CROSS-COMPLAINT**  
9 **SHALL INCLUDE THE DATE AND A STATEMENT OF THE REASONS WHY A**  
10 **DETERMINATION AS OF THAT DATE IS SOUGHT.**

11 **14-611.**

12           **THE PLAINTIFF SHALL NAME AS DEFENDANTS IN AN ACTION UNDER THIS**  
13 **SUBTITLE THE PERSONS HAVING ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF**  
14 **AGAINST WHICH A DETERMINATION IS SOUGHT.**

15 **14-612.**

16           **(A) IF THE NAME OF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT**  
17 **IS NOT KNOWN TO THE PLAINTIFF, THE PLAINTIFF SHALL STATE IN THE COMPLAINT**  
18 **THAT THE NAME IS UNKNOWN AND SHALL NAME AS PARTIES ALL PERSONS**  
19 **UNKNOWN IN THE MANNER PROVIDED IN § 14-616 OF THIS SUBTITLE.**

20           **(B) (1) IF THE CLAIM OR THE SHARE OR QUANTITY OF THE CLAIM OF A**  
21 **PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS UNKNOWN, UNCERTAIN, OR**  
22 **CONTINGENT, THE PLAINTIFF SHALL STATE THOSE FACTS IN THE COMPLAINT.**

23           **(2) IF THE LACK OF KNOWLEDGE, UNCERTAINTY, OR CONTINGENCY**  
24 **IS CAUSED BY A TRANSFER TO AN UNBORN OR UNASCERTAINED PERSON OR CLASS**  
25 **MEMBER, OR BY A TRANSFER IN THE FORM OF A CONTINGENT REMAINDER, VESTED**  
26 **REMAINDER SUBJECT TO DEFEASANCE, EXECUTORY INTEREST, OR SIMILAR**  
27 **DISPOSITION, THE PLAINTIFF SHALL ALSO STATE IN THE COMPLAINT, SO FAR AS IS**  
28 **KNOWN TO THE PLAINTIFF, THE NAME, AGE, AND LEGAL DISABILITY, IF ANY, OF THE**  
29 **PERSON IN BEING WHO WOULD BE ENTITLED TO THE CLAIM HAD THE CONTINGENCY**  
30 **ON WHICH THE CLAIM DEPENDS OCCURRED BEFORE THE COMMENCEMENT OF THE**  
31 **ACTION.**

32 **14-613.**

1 (A) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD AND  
2 THE PLAINTIFF KNOWS OF A PERSONAL REPRESENTATIVE, THE PLAINTIFF SHALL  
3 JOIN THE PERSONAL REPRESENTATIVE AS A DEFENDANT.

4 (B) (1) IF A PERSON REQUIRED TO BE NAMED AS A DEFENDANT IS DEAD,  
5 OR IS BELIEVED BY THE PLAINTIFF TO BE DEAD, AND THE PLAINTIFF KNOWS OF NO  
6 PERSONAL REPRESENTATIVE THE PLAINTIFF SHALL STATE THOSE FACTS IN AN  
7 AFFIDAVIT FILED WITH THE COMPLAINT.

8 (2) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH  
9 (1) OF THIS SUBSECTION THAT A PERSON IS DEAD, THE PLAINTIFF MAY JOIN AS  
10 DEFENDANTS “THE TESTATE AND INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING  
11 THE DECEASED PERSON), DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH,  
12 OR UNDER THE DECEDENT”.

13 (3) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH  
14 (1) OF THIS SUBSECTION THAT A PERSON IS BELIEVED TO BE DEAD, THE PLAINTIFF  
15 MAY JOIN THE PERSON AS A DEFENDANT, AND MAY ALSO JOIN “THE TESTATE AND  
16 INTESTATE SUCCESSORS OF \_\_\_\_\_ (NAMING THE PERSON) BELIEVED TO BE  
17 DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE PERSON  
18 BELIEVED TO BE DECEASED”.

19 14-614.

20 THE COURT ON ITS OWN MOTION MAY, AND ON MOTION OF ANY PARTY SHALL,  
21 ISSUE ANY APPROPRIATE ORDER TO REQUIRE:

22 (1) JOINDER OF ANY ADDITIONAL PARTIES THAT ARE NECESSARY OR  
23 PROPER; AND

24 (2) THE PLAINTIFF TO PROCURE AN ADDITIONAL OR DIFFERENT  
25 TITLE REPORT THAN THE TITLE REPORT FILED WITH THE COMPLAINT UNDER §  
26 14-608 OF THIS SUBTITLE AND DESIGNATE A PLACE WHERE IT SHALL BE KEPT FOR  
27 INSPECTION, USE, AND COPYING BY THE PARTIES.

28 14-615.

29 (A) ANY PERSON WHO HAS A CLAIM TO THE PROPERTY DESCRIBED IN A  
30 COMPLAINT UNDER THIS SUBTITLE MAY APPEAR IN THE PROCEEDING.

31 (B) A PERSON WHO APPEARS UNDER SUBSECTION (A) OF THIS SECTION  
32 SHALL APPEAR AS A DEFENDANT, WHETHER OR NOT THE PERSON IS NAMED AS A  
33 DEFENDANT IN THE COMPLAINT.

1 14-616.

2 (A) IN ADDITION TO THE PERSONS REQUIRED TO BE NAMED AS  
3 DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF MAY NAME AS  
4 DEFENDANTS "ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE  
5 RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE  
6 COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE  
7 TO THE PROPERTY".

8 (B) IN AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF SHALL NAME AS  
9 DEFENDANTS THE PERSONS HAVING ADVERSE CLAIMS THAT ARE OF RECORD OR  
10 KNOWN TO THE PLAINTIFF OR REASONABLY APPARENT FROM AN INSPECTION OF  
11 THE PROPERTY.

12 (C) IF THE PLAINTIFF ADMITS THE VALIDITY OF ANY ADVERSE CLAIM, THE  
13 PLAINTIFF SHALL STATE THE ADMISSION IN THE COMPLAINT.

14 14-617.

15 A PERSON NAMED AND SERVED AS AN UNKNOWN DEFENDANT IN ACCORDANCE  
16 WITH RULE 2-122 OF THE MARYLAND RULES HAS THE SAME RIGHTS PROVIDED BY  
17 LAW TO ALL OTHER DEFENDANTS NAMED AND SERVED, AND THE ACTION SHALL  
18 PROCEED AGAINST UNKNOWN DEFENDANTS IN THE SAME MANNER AS AGAINST  
19 OTHER DEFENDANTS NAMED AND SERVED, AND WITH THE SAME EFFECT.

20 14-618.

21 THE COURT ON ITS OWN MOTION MAY, AND ON MOTION OF ANY PARTY SHALL,  
22 ISSUE ANY ORDERS FOR APPOINTMENT OF TRUSTEES OR OTHER FIDUCIARY AGENTS  
23 THAT APPEAR NECESSARY TO PROTECT THE INTEREST OF ANY PARTY.

24 14-619.

25 (A) THE FORM, CONTENT, AND MANNER OF SERVICE OF A SUMMONS IN AN  
26 ACTION UNDER THIS SUBTITLE SHALL BE THE SAME AS IN CIVIL ACTIONS  
27 GENERALLY.

28 (B) (1) IF, ON AFFIDAVIT OF THE PLAINTIFF, IT APPEARS TO THE  
29 SATISFACTION OF THE COURT THAT THE PLAINTIFF HAS USED REASONABLE  
30 DILIGENCE TO ASCERTAIN THE IDENTITY AND RESIDENCE OF AND TO SERVE A  
31 SUMMONS ON THE PERSONS NAMED AS UNKNOWN DEFENDANTS AND PERSONS  
32 JOINED AS TESTATE OR INTESTATE SUCCESSORS OF A PERSON KNOWN OR BELIEVED  
33 TO BE DEAD, THE COURT SHALL ORDER SERVICE BY PUBLICATION IN ACCORDANCE

1 WITH RULE 2-122 OF THE MARYLAND RULES AND THE PROVISIONS OF THIS  
2 SUBTITLE.

3 (2) THE ORDER SHALL DIRECT THAT A COPY OF THE SUMMONS, THE  
4 COMPLAINT, AND THE ORDER FOR PUBLICATION BE IMMEDIATELY MAILED TO THE  
5 PARTY IF THE PARTY'S ADDRESS IS ASCERTAINED BEFORE EXPIRATION OF THE TIME  
6 PRESCRIBED FOR PUBLICATION OF THE SUMMONS.

7 (3) THE COURT MAY APPOINT A REFEREE TO INVESTIGATE WHETHER  
8 THE PLAINTIFF HAS USED REASONABLE DILIGENCE TO ASCERTAIN THE IDENTITY  
9 AND RESIDENCE OF PERSONS SOUGHT TO BE SERVED BY PUBLICATION, AND THE  
10 COURT MAY RELY ON THE REPORT OF THE REFEREE INSTEAD OF THE AFFIDAVIT OF  
11 THE PLAINTIFF IN MAKING THE ORDER FOR SERVICE BY PUBLICATION.

12 (C) THIS SECTION DOES NOT AUTHORIZE SERVICE BY PUBLICATION ON ANY  
13 PERSON NAMED AS AN UNKNOWN DEFENDANT WHO IS IN OPEN AND ACTUAL  
14 POSSESSION OF THE PROPERTY.

15 14-620.

16 (A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PLAINTIFF  
17 SHALL:

18 (1) POST, NOT LATER THAN 10 DAYS AFTER THE DATE THE ORDER IS  
19 ISSUED, A COPY OF THE SUMMONS AND COMPLAINT IN A CONSPICUOUS PLACE ON  
20 THE PROPERTY THAT IS THE SUBJECT OF THE ACTION; AND

21 (2) RECORD, IF NOT ALREADY RECORDED, A NOTICE OF THE  
22 PENDENCY OF THE ACTION AS REQUIRED UNDER § 14-607 OF THIS SUBTITLE.

23 (B) (1) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE  
24 PUBLICATION SHALL DESCRIBE THE PROPERTY THAT IS THE SUBJECT OF THE  
25 ACTION.

26 (2) IN ADDITION TO PARTICULARLY DESCRIBING THE PROPERTY,  
27 THE PUBLICATION SHALL DESCRIBE THE PROPERTY BY GIVING ITS STREET  
28 ADDRESS, IF ANY, OR OTHER COMMON DESIGNATION, IF ANY.

29 (3) IF A LEGAL DESCRIPTION OF THE PROPERTY IS GIVEN, THE  
30 VALIDITY OF THE PUBLICATION MAY NOT BE AFFECTED BY THE FACT THAT THE  
31 STREET ADDRESS OR OTHER COMMON DESIGNATION RECITED IS ERRONEOUS OR  
32 THAT THE STREET ADDRESS OR OTHER COMMON DESIGNATION IS OMITTED.

33 14-621.

1           **(A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PUBLICATION**  
2 **SHALL:**

3                   **(1) NAME ONLY THE DEFENDANTS TO BE SERVED BY PUBLICATION;**  
4 **AND**

5                   **(2) DESCRIBE ONLY THE PROPERTY IN WHICH THE DEFENDANTS TO**  
6 **BE SERVED BY PUBLICATION CLAIM INTERESTS.**

7           **(B) A JUDGMENT AGAINST A DEFENDANT WHO FAILS TO APPEAR AND**  
8 **ANSWER FOLLOWING SERVICE UNDER THIS SECTION SHALL BE CONCLUSIVE**  
9 **AGAINST THE DEFENDANT ONLY AS TO PROPERTY DESCRIBED IN THE PUBLICATION.**

10 **14-622.**

11           **IF THE COURT ORDERS SERVICE BY PUBLICATION, THE COURT, BEFORE**  
12 **HEARING THE CASE, SHALL REQUIRE PROOF THAT:**

13                   **(1) THE SUMMONS HAS BEEN SERVED, POSTED, AND PUBLISHED AS**  
14 **REQUIRED; AND**

15                   **(2) THE NOTICE OF PENDENCY OF ACTION HAS BEEN FILED WHERE**  
16 **REQUIRED.**

17 **14-623.**

18           **(A) THE COURT SHALL EXAMINE AND DETERMINE THE PLAINTIFF'S TITLE**  
19 **AGAINST THE CLAIM OF EACH DEFENDANT.**

20           **(B) (1) THE COURT MAY NOT ENTER JUDGMENT BY DEFAULT BUT SHALL,**  
21 **IN ALL CASES, REQUIRE EVIDENCE OF THE PLAINTIFF'S TITLE AND HEAR ANY**  
22 **EVIDENCE OFFERED RESPECTING THE CLAIMS OF ANY DEFENDANT, OTHER THAN**  
23 **CLAIMS THE VALIDITY OF WHICH IS ADMITTED BY THE PLAINTIFF IN THE**  
24 **COMPLAINT.**

25                   **(2) THE COURT SHALL RENDER JUDGMENT IN ACCORDANCE WITH**  
26 **THE EVIDENCE AND THE LAW.**

27                   **(3) (I) THE JUDGMENT MAY BE RECORDED IN THE LAND RECORDS**  
28 **OF THE COUNTY IN WHICH ANY PORTION OF THE PROPERTY IS LOCATED.**

29                                   **(II) IF THE JUDGMENT IS RECORDED, THE CLERK SHALL INDEX**  
30 **THE JUDGMENT IN ACCORDANCE WITH § 3-302 OF THIS ARTICLE, WITH THE PARTIES**

1 AGAINST WHOM THE JUDGMENT IS ENTERED AS GRANTOR AND THE PARTY IN WHOSE  
2 FAVOR THE JUDGMENT IS ENTERED AS GRANTEE.

3 14-624.

4 (A) IF, IN AN ACTION UNDER THIS SUBTITLE, THE VALIDITY OR  
5 INTERPRETATION OF A GIFT, DEVISE, BEQUEST, OR TRUST, UNDER A WILL OR  
6 INSTRUMENT PURPORTING TO BE A WILL, WHETHER ADMITTED TO PROBATE OR  
7 NOT, IS INVOLVED:

8 (1) THE WILL OR INSTRUMENT PURPORTING TO BE A WILL IS  
9 ADMISSIBLE IN EVIDENCE;

10 (2) ALL QUESTIONS CONCERNING THE VALIDITY OF THE GIFT,  
11 DEVISE, BEQUEST, OR TRUST SHALL BE FINALLY DETERMINED IN THE ACTION; AND

12 (3) IF THE WILL HAS BEEN ADMITTED TO PROBATE AND THE GIFT,  
13 DEVISE, BEQUEST, OR TRUST HAS BEEN INTERPRETED BY A FINAL DECREE OF THE  
14 PROBATE COURT, THE INTERPRETATION IS CONCLUSIVE AS TO THE PROPER  
15 CONSTRUCTION OF THE GIFT, DEVISE, BEQUEST, OR TRUST.

16 (B) THIS SECTION DOES NOT DEPRIVE A PARTY OF THE RIGHT TO A JURY  
17 TRIAL IN ANY CASE WHERE, BY LAW, THE PARTY HAS THE RIGHT TO A JURY TRIAL.

18 14-625.

19 A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE IS BINDING AND  
20 CONCLUSIVE, REGARDLESS OF ANY LEGAL DISABILITY, ON:

21 (1) ALL PERSONS KNOWN AND UNKNOWN WHO WERE PARTIES TO THE  
22 ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY, WHETHER PRESENT OR  
23 FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, SEVERAL OR UNDIVIDED;  
24 AND

25 (2) EXCEPT AS PROVIDED IN § 14-626 OF THIS SUBTITLE, ALL  
26 PERSONS WHO WERE NOT PARTIES TO THE ACTION AND WHO HAVE ANY CLAIM TO  
27 THE PROPERTY THAT WAS NOT OF RECORD AT THE TIME THE ACTION WAS  
28 COMMENCED OR LIS PENDENS WAS FILED, IF REQUIRED, OR, IF NONE WAS FILED, AT  
29 THE TIME THE JUDGMENT WAS RECORDED IN A COUNTY OTHER THAN WHERE THE  
30 ACTION WAS FILED.

31 14-626.

1           **(A) A JUDGMENT IN AN ACTION UNDER THIS SUBTITLE DOES NOT AFFECT A**  
2 **CLAIM IN THE PROPERTY OR PART OF THE PROPERTY OF ANY PERSON WHO WAS NOT**  
3 **A PARTY TO THE ACTION, IF:**

4           **(1) THE CLAIM WAS OF RECORD AT THE TIME THE ACTION WAS**  
5 **COMMENCED OR, IF A PORTION OF THE PROPERTY WAS IN A COUNTY OTHER THAN**  
6 **THE COUNTY WHERE THE ACTION WAS COMMENCED OR LIS PENDENS WAS FILED OR,**  
7 **IF NONE WAS FILED, AT THE TIME THE JUDGMENT WAS RECORDED IN THE OTHER**  
8 **COUNTY; OR**

9           **(2) THE CLAIM WAS ACTUALLY KNOWN TO THE PLAINTIFF OR WOULD**  
10 **HAVE BEEN REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY AT**  
11 **THE TIME THE ACTION WAS COMMENCED OR, IF A PORTION OF THE PROPERTY WAS**  
12 **IN A COUNTY OTHER THAN WHERE THE ACTION WAS COMMENCED, A LIS PENDENS**  
13 **WAS FILED OR, IF NONE WAS FILED, AT THE TIME THE JUDGMENT WAS RECORDED IN**  
14 **THE OTHER COUNTY.**

15           **(B) THIS SECTION MAY NOT BE CONSTRUED TO IMPAIR THE RIGHTS OF A**  
16 **BONA FIDE PURCHASER OR ENCUMBRANCER FOR VALUE DEALING WITH THE**  
17 **PLAINTIFF OR THE PLAINTIFF'S SUCCESSORS IN INTEREST.**

18 **14-627.**

19           **ANY RELIEF GRANTED IN AN ACTION OR PROCEEDING DIRECTLY OR**  
20 **COLLATERALLY ATTACKING A JUDGMENT ENTERED UNDER THIS SUBTITLE,**  
21 **WHETHER BASED ON LACK OF ACTUAL NOTICE TO A PARTY OR OTHERWISE, MAY NOT**  
22 **IMPAIR THE RIGHTS OF A PURCHASER OR ENCUMBRANCER FOR VALUE OF THE**  
23 **PROPERTY ACTING IN RELIANCE ON THE JUDGMENT WITHOUT KNOWLEDGE OF ANY**  
24 **DEFECTS OR IRREGULARITIES IN THE JUDGMENT OR THE PROCEEDINGS.**

25 **14-628.**

26           **NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBTITLE, A JUDGMENT**  
27 **IN AN ACTION UNDER THIS SUBTITLE IS NOT BINDING OR CONCLUSIVE ON:**

28           **(1) THE STATE, UNLESS INDIVIDUALLY JOINED AS A PARTY TO THE**  
29 **ACTION AND STATE LAW AUTHORIZES THE JUDGMENT TO BE BINDING OR**  
30 **CONCLUSIVE AS TO ITS INTERESTS; OR**

31           **(2) THE UNITED STATES, UNLESS THE UNITED STATES IS**  
32 **INDIVIDUALLY JOINED AS A PARTY TO THE ACTION AND FEDERAL LAW AUTHORIZES**  
33 **THE JUDGMENT TO BE BINDING OR CONCLUSIVE AS TO ITS INTERESTS.**

1           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2   October 1, 2015.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.