

SENATE BILL 837

N1, D3

5lr2640
CF HB 1129

By: **Senator Waugh**

Introduced and read first time: February 23, 2015

Assigned to: Rules

A BILL ENTITLED

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 establishing requirements for a complaint, an answer to a complaint, a
12 cross-complaint, naming of defendants, joinder of parties, and service of process in
13 an action under this Act; requiring the court to take certain actions in an action
14 under this Act; providing for the recording of a certain judgment; providing for the
15 admissibility and effect of certain evidence; providing that certain provisions of this
16 Act do not deprive a party of a right to a jury trial; providing for the effect of a
17 judgment in an action under this Act; defining certain terms; and generally relating
18 to actions to quiet title.

19 BY repealing and reenacting, with amendments,
20 Article – Real Property
21 Section 14–108
22 Annotated Code of Maryland
23 (2010 Replacement Volume and 2014 Supplement)

24 BY adding to
25 Article – Real Property
26 Section 14–601 through 14–628, to be under the new subtitle “Subtitle 6. Actions to
27 Quiet Title”
28 Annotated Code of Maryland
29 (2010 Replacement Volume and 2014 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

3 **Article – Real Property**

4 14–108.

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

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

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

23 **14–601.**

24 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
25 INDICATED.

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

28 (C) “PROPERTY” MEANS REAL PROPERTY OR ANY INTEREST IN OR
29 APPURTENANT TO REAL PROPERTY, INCLUDING FIXTURES.

30 **14–602.**

31 AN ACTION MAY BE BROUGHT UNDER THIS SUBTITLE TO ESTABLISH TITLE
32 AGAINST ADVERSE CLAIMS TO PROPERTY, INCLUDING ADVERSE CLAIMS DESCRIBED
33 IN § 14–108 OF THIS TITLE.

1 **14-603.**

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

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

9 **14-604.**

10 (A) THE CIRCUIT COURTS HAVE JURISDICTION OVER ACTIONS UNDER THIS
11 SUBTITLE.

12 (B) IN AN ACTION UNDER THIS SUBTITLE, THE COURT HAS COMPLETE
13 JURISDICTION OVER THE PARTIES TO THE ACTION AND THE PROPERTY DESCRIBED
14 IN THE COMPLAINT AND IS DEEMED TO HAVE OBTAINED POSSESSION AND CONTROL
15 OF THE PROPERTY FOR THE PURPOSES OF THE ACTION WITH COMPLETE
16 JURISDICTION TO RENDER A JUDGMENT IN ACCORDANCE WITH THIS SUBTITLE.

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

20 **14-605.**

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

24 **14-606.**

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

28 **14-607.**

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

1 **(B) THE FILING OF A COMPLAINT CREATES NOTICE OF THE PENDENCY OF**
2 **THE ACTION WITH RESPECT TO PROPERTY DESCRIBED IN THE COMPLAINT AND**
3 **LOCATED WITHIN THE COUNTY WHERE THE ACTION IS PENDING, AS PROVIDED IN**
4 **RULE 12-102 OF THE MARYLAND RULES.**

5 **(C) TO THE EXTENT THAT THE PROPERTY IS LOCATED IN A COUNTY OTHER**
6 **THAN THE COUNTY WHERE THE ACTION IS PENDING, IMMEDIATELY ON**
7 **COMMENCEMENT OF THE ACTION, THE PLAINTIFF SHALL RECORD A NOTICE OF THE**
8 **PENDENCY OF THE ACTION IN THE LAND RECORDS OF EACH COUNTY IN WHICH ANY**
9 **PROPERTY DESCRIBED IN THE COMPLAINT IS LOCATED IN ACCORDANCE WITH RULE**
10 **12-102 OF THE MARYLAND RULES.**

11 **14-608.**

12 **A COMPLAINT UNDER THIS SUBTITLE SHALL BE VERIFIED AND SHALL**
13 **INCLUDE:**

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

17 **(2) (I) THE TITLE OF THE PLAINTIFF AS TO WHICH A**
18 **DETERMINATION UNDER THIS SUBTITLE IS SOUGHT AND THE BASIS OF THE TITLE;**
19 **AND**

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

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

24 **(4) (I) THE DATE AS OF WHICH THE DETERMINATION IS SOUGHT;**
25 **AND**

26 **(II) IF THE DETERMINATION IS SOUGHT AS OF A DATE OTHER**
27 **THAN THE DATE THE COMPLAINT IS FILED, A STATEMENT OF THE REASONS WHY A**
28 **DETERMINATION AS OF THAT DATE IS SOUGHT;**

29 **(5) A COPY OF A TITLE REPORT SUPPORTED BY AN AFFIDAVIT BY THE**
30 **PERSON MAKING THE SEARCH THAT A COMPLETE SEARCH OF THE PUBLIC RECORDS**
31 **HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY ACCEPTED STANDARDS**

1 OF TITLE EXAMINATION FOR THE PERIOD OF AT LEAST 40 YEARS IMMEDIATELY
2 BEFORE THE FILING OF THE COMPLAINT; AND

3 (6) A PRAYER FOR A DETERMINATION OF THE TITLE OF THE
4 PLAINTIFF AGAINST THE ADVERSE CLAIMS.

5 14-609.

6 (A) AN ANSWER TO A COMPLAINT UNDER THIS SUBTITLE SHALL BE
7 VERIFIED AND SHALL SET FORTH:

8 (1) ANY CLAIM THE DEFENDANT HAS TO THE PROPERTY THAT IS THE
9 SUBJECT OF THE ACTION;

10 (2) ANY FACTS TENDING TO CONTROVERT ANY MATERIAL
11 ALLEGATIONS OF THE COMPLAINT THAT THE DEFENDANT DOES NOT WISH TO BE
12 TAKEN AS TRUE; AND

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

14 (B) IF THE DEFENDANT DISCLAIMS IN THE ANSWER ANY CLAIM, OR ALLOWS
15 JUDGMENT TO BE TAKEN WITHOUT ANSWER, THE PLAINTIFF MAY NOT RECOVER
16 COSTS.

17 14-610.

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

20 (B) IF A DEFENDANT SEEKS A DETERMINATION OF TITLE AS OF A DATE
21 OTHER THAN THE DATE SPECIFIED IN THE COMPLAINT, THE CROSS-COMPLAINT
22 SHALL INCLUDE THE DATE AND A STATEMENT OF THE REASONS WHY A
23 DETERMINATION AS OF THAT DATE IS SOUGHT.

24 14-611.

25 THE PLAINTIFF SHALL NAME AS DEFENDANTS IN AN ACTION UNDER THIS
26 SUBTITLE THE PERSONS HAVING ADVERSE CLAIMS TO THE TITLE OF THE PLAINTIFF
27 AGAINST WHICH A DETERMINATION IS SOUGHT.

28 14-612.

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

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

8 (2) IF THE LACK OF KNOWLEDGE, UNCERTAINTY, OR CONTINGENCY
9 IS CAUSED BY A TRANSFER TO AN UNBORN OR UNASCERTAINED PERSON OR CLASS
10 MEMBER, OR BY A TRANSFER IN THE FORM OF A CONTINGENT REMAINDER, VESTED
11 REMAINDER SUBJECT TO DEFEASANCE, EXECUTORY INTEREST, OR SIMILAR
12 DISPOSITION, THE PLAINTIFF SHALL ALSO STATE IN THE COMPLAINT, SO FAR AS IS
13 KNOWN TO THE PLAINTIFF, THE NAME, AGE, AND LEGAL DISABILITY, IF ANY, OF THE
14 PERSON IN BEING WHO WOULD BE ENTITLED TO THE CLAIM HAD THE CONTINGENCY
15 ON WHICH THE CLAIM DEPENDS OCCURRED BEFORE THE COMMENCEMENT OF THE
16 ACTION.

17 14-613.

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

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

25 (2) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH
26 (1) OF THIS SUBSECTION THAT A PERSON IS DEAD, THE PLAINTIFF MAY JOIN AS
27 DEFENDANTS "THE TESTATE AND INTESTATE SUCCESSORS OF _____ (NAMING
28 THE DECEASED PERSON), DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH,
29 OR UNDER THE DECEDENT".

30 (3) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER PARAGRAPH
31 (1) OF THIS SUBSECTION THAT A PERSON IS BELIEVED TO BE DEAD, THE PLAINTIFF
32 MAY JOIN THE PERSON AS A DEFENDANT, AND MAY ALSO JOIN "THE TESTATE AND
33 INTESTATE SUCCESSORS OF _____ (NAMING THE PERSON) BELIEVED TO BE
34 DECEASED, AND ALL PERSONS CLAIMING BY, THROUGH, OR UNDER THE PERSON
35 BELIEVED TO BE DECEASED".

1 14-614.

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

4 (1) JOINDER OF ANY ADDITIONAL PARTIES THAT ARE NECESSARY OR
5 PROPER; AND

6 (2) THE PLAINTIFF TO PROCURE AN ADDITIONAL OR DIFFERENT
7 TITLE REPORT THAN THE TITLE REPORT FILED WITH THE COMPLAINT UNDER §
8 14-608 OF THIS SUBTITLE AND DESIGNATE A PLACE WHERE IT SHALL BE KEPT FOR
9 INSPECTION, USE, AND COPYING BY THE PARTIES.

10 14-615.

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

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

16 14-616.

17 (A) IN ADDITION TO THE PERSONS REQUIRED TO BE NAMED AS
18 DEFENDANTS IN AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF MAY NAME AS
19 DEFENDANTS "ALL PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE
20 RIGHT, TITLE, ESTATE, LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE
21 COMPLAINT ADVERSE TO PLAINTIFF'S TITLE, OR ANY CLOUD ON PLAINTIFF'S TITLE
22 TO THE PROPERTY".

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

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

29 14-617.

30 A PERSON NAMED AND SERVED AS AN UNKNOWN DEFENDANT IN ACCORDANCE
31 WITH RULE 2-122 OF THE MARYLAND RULES HAS THE SAME RIGHTS PROVIDED BY

1 LAW TO ALL OTHER DEFENDANTS NAMED AND SERVED, AND THE ACTION SHALL
2 PROCEED AGAINST UNKNOWN DEFENDANTS IN THE SAME MANNER AS AGAINST
3 OTHER DEFENDANTS NAMED AND SERVED, AND WITH THE SAME EFFECT.

4 14-618.

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

8 14-619.

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

12 (B) (1) IF, ON AFFIDAVIT OF THE PLAINTIFF, IT APPEARS TO THE
13 SATISFACTION OF THE COURT THAT THE PLAINTIFF HAS USED REASONABLE
14 DILIGENCE TO ASCERTAIN THE IDENTITY AND RESIDENCE OF AND TO SERVE A
15 SUMMONS ON THE PERSONS NAMED AS UNKNOWN DEFENDANTS AND PERSONS
16 JOINED AS TESTATE OR INTESTATE SUCCESSORS OF A PERSON KNOWN OR BELIEVED
17 TO BE DEAD, THE COURT SHALL ORDER SERVICE BY PUBLICATION IN ACCORDANCE
18 WITH RULE 2-122 OF THE MARYLAND RULES AND THE PROVISIONS OF THIS
19 SUBTITLE.

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

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

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

32 14-620.

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

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

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

8 (B) (1) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE
9 PUBLICATION SHALL DESCRIBE THE PROPERTY THAT IS THE SUBJECT OF THE
10 ACTION.

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

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

18 14-621.

19 (A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PUBLICATION
20 SHALL:

21 (1) NAME ONLY THE DEFENDANTS TO BE SERVED BY PUBLICATION;
22 AND

23 (2) DESCRIBE ONLY THE PROPERTY IN WHICH THE DEFENDANTS TO
24 BE SERVED BY PUBLICATION CLAIM INTERESTS.

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

28 14-622.

29 IF THE COURT ORDERS SERVICE BY PUBLICATION, THE COURT, BEFORE
30 HEARING THE CASE, SHALL REQUIRE PROOF THAT:

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

3 **(2) THE NOTICE OF PENDENCY OF ACTION HAS BEEN FILED WHERE**
4 **REQUIRED.**

5 **14-623.**

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

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

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

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

17 **(II) IF THE JUDGMENT IS RECORDED, THE CLERK SHALL INDEX**
18 **THE JUDGMENT IN ACCORDANCE WITH § 3-302 OF THIS ARTICLE, WITH THE PARTIES**
19 **AGAINST WHOM THE JUDGMENT IS ENTERED AS GRANTOR AND THE PARTY IN WHOSE**
20 **FAVOR THE JUDGMENT IS ENTERED AS GRANTEE.**

21 **14-624.**

22 **(A) IF, IN AN ACTION UNDER THIS SUBTITLE, THE VALIDITY OR**
23 **INTERPRETATION OF A GIFT, DEVISE, BEQUEST, OR TRUST, UNDER A WILL OR**
24 **INSTRUMENT PURPORTING TO BE A WILL, WHETHER ADMITTED TO PROBATE OR**
25 **NOT, IS INVOLVED:**

26 **(1) THE WILL OR INSTRUMENT PURPORTING TO BE A WILL IS**
27 **ADMISSIBLE IN EVIDENCE;**

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

30 **(3) IF THE WILL HAS BEEN ADMITTED TO PROBATE AND THE GIFT,**
31 **DEVISE, BEQUEST, OR TRUST HAS BEEN INTERPRETED BY A FINAL DECREE OF THE**

1 PROBATE COURT, THE INTERPRETATION IS CONCLUSIVE AS TO THE PROPER
2 CONSTRUCTION OF THE GIFT, DEVISE, BEQUEST, OR TRUST.

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

5 14-625.

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

8 (1) ALL PERSONS KNOWN AND UNKNOWN WHO WERE PARTIES TO THE
9 ACTION AND WHO HAVE ANY CLAIM TO THE PROPERTY, WHETHER PRESENT OR
10 FUTURE, VESTED OR CONTINGENT, LEGAL OR EQUITABLE, SEVERAL OR UNDIVIDED;
11 AND

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

18 14-626.

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

22 (1) THE CLAIM WAS OF RECORD AT THE TIME THE ACTION WAS
23 COMMENCED OR, IF A PORTION OF THE PROPERTY WAS IN A COUNTY OTHER THAN
24 THE COUNTY WHERE THE ACTION WAS COMMENCED OR LIS PENDENS WAS FILED OR,
25 IF NONE WAS FILED, AT THE TIME THE JUDGMENT WAS RECORDED IN THE OTHER
26 COUNTY; OR

27 (2) THE CLAIM WAS ACTUALLY KNOWN TO THE PLAINTIFF OR WOULD
28 HAVE BEEN REASONABLY APPARENT FROM AN INSPECTION OF THE PROPERTY AT
29 THE TIME THE ACTION WAS COMMENCED OR, IF A PORTION OF THE PROPERTY WAS
30 IN A COUNTY OTHER THAN WHERE THE ACTION WAS COMMENCED, A LIS PENDENS
31 WAS FILED OR, IF NONE WAS FILED, AT THE TIME THE JUDGMENT WAS RECORDED IN
32 THE OTHER COUNTY.

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

4 **14-627.**

5 **ANY RELIEF GRANTED IN AN ACTION OR PROCEEDING DIRECTLY OR**
6 **COLLATERALLY ATTACKING A JUDGMENT ENTERED UNDER THIS SUBTITLE,**
7 **WHETHER BASED ON LACK OF ACTUAL NOTICE TO A PARTY OR OTHERWISE, MAY NOT**
8 **IMPAIR THE RIGHTS OF A PURCHASER OR ENCUMBRANCER FOR VALUE OF THE**
9 **PROPERTY ACTING IN RELIANCE ON THE JUDGMENT WITHOUT KNOWLEDGE OF ANY**
10 **DEFECTS OR IRREGULARITIES IN THE JUDGMENT OR THE PROCEEDINGS.**

11 **14-628.**

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

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

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

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