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By: **Delegates Boston, Branch, Kirk, McIntosh, Dypski, Watson, Oaks,  
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Montague, Opara, T. Murphy, Harrison, and Campbell**

Introduced and read first time: January 30, 1998

Assigned to: Ways and Means

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A BILL ENTITLED

1 AN ACT concerning

2 **Tax Sale Procedure - Notice to Tenants**

3 FOR the purpose of requiring that a plaintiff in an action to foreclose a right of  
4 redemption send a written notice in a certain manner to certain persons who the  
5 plaintiff knows, or has reason to know, occupy the property; prohibiting certain  
6 persons who acquire a deed as a result of a tax sale from being issued a writ for  
7 possession unless certain notice is given in a certain manner; providing that  
8 certain persons are liable for damage to certain property of a tenant under  
9 certain circumstances; and generally relating to notice to tenants of a property  
10 subject to an action to foreclose a right of redemption or motion for writ for  
11 possession of the property.

12 BY repealing and reenacting, with amendments,  
13 Article - Tax - Property  
14 Section 14-836 and 14-850  
15 Annotated Code of Maryland  
16 (1994 Replacement Volume and 1997 Supplement)

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

19 **Article - Tax - Property**

20 14-836.

21 (a) The plaintiff in any action to foreclose the right of redemption shall be the  
22 holder of the certificate of sale.

23 (b) (1) Except as otherwise provided in this subsection, the defendants in  
24 any action to foreclose the right of redemption shall be:

25 (i) the record title holder of the property as disclosed by a search  
26 performed in accordance with generally accepted standards of title examination of the

1 land records of the county, of the records of the register of wills of the county, and of  
2 the records of the circuit court for the county;

3 (ii) if the property is subject to a ground rent, the record title holder  
4 of the fee-simple title and the owner of the leasehold title as disclosed by a search  
5 performed in accordance with generally accepted standards of title examination of the  
6 land records of the county, of the records of the register of wills of the county and of  
7 the records of the circuit court for the county;

8 (iii) any mortgagee of the property or any assignee of the mortgagee  
9 of record, named as such in any unreleased mortgage recorded in the land records of  
10 the county;

11 (iv) the trustee under any deed of trust recorded against the  
12 property or any holder of a beneficial interest in a deed of trust who files notice of the  
13 interest, which notice shall include identification of the deed of trust, the book and  
14 page where the deed of trust is recorded, and the address at which the holder may be  
15 served with a summons;

16 (v) the county where the property is located; and

17 (vi) if appropriate, the State.

18 (2) The plaintiff may choose not to include as a defendant any of the  
19 persons enumerated in paragraph (1) of this subsection. However, the rights of any  
20 person not included as a defendant are not affected by the proceedings.

21 (3) Subject to the provisions of paragraph (4) of this subsection, it is not  
22 necessary to name as defendant any other person that has or claims to have any right,  
23 title, interest, claim, lien or equity of redemption in the property sold by the collector.  
24 Any of these persons are included as defendants by the designation "all persons that  
25 have or claim to have any interest in property ..... (giving a description of the property  
26 in substantially the same form as the description that appears on the Collector's  
27 certificate of tax sale)." Any of these persons may be designated throughout the  
28 proceeding by the above designation and the cause may proceed against them by  
29 publication under order of court as provided in this subtitle.

30 (4) (i) Notwithstanding the provisions of paragraph (3) of this  
31 subsection, the plaintiff shall send written notice of the proceeding to:

32 1. all persons having a recorded interest, claim, or lien,  
33 including a judgment, who have not been made a defendant in the proceeding, and, if  
34 the subject property is the common areas owned by or legally dedicated to a  
35 homeowners association, to the homeowners association governing the property, at  
36 the last reasonably ascertainable address; AND

37 2. ANY PERSON WHO THE PLAINTIFF KNOWS IS A TENANT  
38 OR WHO THE PLAINTIFF HAS REASON TO KNOW IS A TENANT THROUGH THE  
39 TENANT'S ACTUAL OCCUPANCY OF THE SUBJECT PROPERTY.

- 1 (ii) The notice under this subsection shall:
- 2 1. be sent by certified mail, postage prepaid, return receipt  
3 requested, bearing a postmark from the United States Postal Service; and
- 4 2. be accompanied by a copy of the complaint.
- 5 (iii) The plaintiff shall file in the action:
- 6 1. the return receipt from the notice; or
- 7 2. an affidavit that:
- 8 A. the notice provisions of this subsection have been complied  
9 with; or
- 10 B. the address of the holder of the subordinate interest is not  
11 reasonably ascertainable.

12 (5) If the filing under paragraph (4)(iii) of this subsection is made before  
13 final ratification of the sale, failure of a holder of a subordinate interest to receive the  
14 notice does not invalidate the sale.

15 14-850.

16 (A) [Any] EXCEPT AS PROVIDED IN SUBSECTION (B) OF THIS SECTION, ANY  
17 person who acquires a deed to property under this subtitle is entitled to issuance of a  
18 writ for possession of the property under the Maryland Rules as if the person had  
19 obtained a judgment awarding possession of the property.

20 (B) (1) A PERSON WHO ACQUIRES A DEED TO PROPERTY UNDER THIS  
21 SUBTITLE MAY NOT BE ISSUED A WRIT FOR POSSESSION OF ANY PROPERTY THAT  
22 THE PERSON KNOWS, OR HAS REASON TO KNOW, IS OCCUPIED BY A TENANT UNLESS  
23 AT LEAST 30 DAYS BEFORE ISSUANCE OF THE WRIT THAT PERSON HAS NOTIFIED  
24 THE TENANT OF THE PERSON'S INTENT TO FILE FOR A WRIT FOR POSSESSION.

25 (2) THE NOTICE UNDER THIS SUBSECTION SHALL:

26 (I) BE SENT BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN  
27 RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED STATES POSTAL  
28 SERVICE; AND

29 (II) BE ACCOMPANIED BY A COPY OF THE JUDGMENT  
30 FORECLOSING THE RIGHT OF REDEMPTION OF THE PROPERTY FOR WHICH THE WRIT  
31 FOR POSSESSION IS TO BE ISSUED.

32 (3) IF A PERSON OBTAINS A WRIT FOR POSSESSION FOR A PROPERTY  
33 THAT IS OCCUPIED BY A TENANT WITHOUT COMPLYING WITH THE NOTICE  
34 REQUIREMENTS UNDER THIS SUBSECTION, THE PERSON IS LIABLE TO THE TENANT  
35 FOR ANY DAMAGE TO THE TENANT'S PERSONAL PROPERTY THAT THE PERSON

1 REMOVES OR HAS REMOVED FROM THE PROPERTY, IF THE DAMAGE IS CAUSED BY  
2 THE REMOVAL OF THE PERSONAL PROPERTY.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
4 July 1, 1998.