
By: **Chairman, Economic Matters Committee (Departmental - Archives,
Maryland State)**

Introduced and read first time: February 2, 1998

Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Land Patents - Manner of Application and Expenses**

3 FOR the purpose of authorizing the Commissioner of Land Patents to require an
4 applicant to pay certain expenses under certain circumstances; requiring certain
5 applications to include a chain of title or abstract of a chain of title on certain
6 land; and generally relating to land patents.

7 BY repealing and reenacting, with amendments,
8 Article - Real Property
9 Section 13-205, 13-302, and 13-413(c)
10 Annotated Code of Maryland
11 (1996 Replacement Volume and 1997 Supplement)

12 BY adding to
13 Article - Real Property
14 Section 13-406(f)
15 Annotated Code of Maryland
16 (1996 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 - Real Property**

20 13-205.

21 (A) In accordance with the procedures of § 13-203 of this subtitle for adopting
22 regulations, the Commissioner shall adopt a schedule of costs to be charged by the
23 Commissioner.

24 (B) COSTS MAY INCLUDE REASONABLE RESEARCH, ADMINISTRATIVE, AND
25 HEARING EXPENSES SUBJECT TO THE PROVISIONS OF §§ 13-406(F) AND 13-413(C) OF
26 THIS TITLE.

1 13-302.

2 (a) The application shall be in writing and contain:

3 (1) The name and address of the applicant;

4 (2) The name and address of each person, other than the applicant, who
5 would obtain a direct or indirect title interest in the land for which the patent is
6 sought if the patent were issued to the applicant;

7 (3) Each county and election district in which any portion of the land for
8 which the patent is sought is located;

9 (4) As to the land for which the patent is sought, a description of any
10 vacant land, which description need not be referenced by metes and bounds, and a
11 separate description of any land owned by the applicant, each of which descriptions:

12 (i) Shall include the estimated area covered by it; and

13 (ii) Shall be made by specific reference to the names and addresses
14 of the owners of each adjoining tract or parcel of land;

15 (5) If a warrant to resurvey is requested, an officially certified copy of
16 the instrument by which the applicant acquired fee-simple title and, if the
17 instrument does not contain a metes-and-bounds description of the land, an officially
18 certified copy of the last instrument in the chain of title of the applicant which
19 contains that description;

20 (6) As to the land described in the application, the name and address of:

21 (i) Each person or governmental body that, to the best of the
22 knowledge, information, and belief of all persons signing the application, possesses
23 any portion of the land under claim of title;

24 (ii) Each person who, to the best of the knowledge, information, and
25 belief of all persons signing the application, possesses any portion of the land under
26 claim of ownership in a manner that, either directly or by tacking, is actual, open,
27 notorious, exclusive, and continuous and uninterrupted for the 20 years immediately
28 preceding the date of filing the application; and

29 (iii) The State or any agency of the State that, to the best of the
30 knowledge, information, and belief of all persons signing the application, uses any
31 portion of the land for public purposes or claims that any portion of the land is
32 required for public purposes;

33 (7) A statement that, except for those named under item (6) of this
34 subsection, to the best of the knowledge, information, and belief of all persons signing
35 the application:

1 (i) No person or governmental body possesses any portion of the
2 land under claim of title;

3 (ii) No person possesses any portion of the land under claim of
4 ownership in a manner that, either directly or by tacking, is actual, open, notorious,
5 exclusive, and continuous and uninterrupted for the 20 years immediately preceding
6 the date of filing the application; and

7 (iii) Neither the State nor any agency of the State uses any portion
8 of the land for public purposes or claims that any portion of the land is required for
9 public purposes;

10 (8) The name and address of the surveyor to whom the warrant is to be
11 directed, together with a description of any family, business, or financial relationship
12 between the surveyor and all persons signing the application;

13 (9) Any name to be given the land to be surveyed;

14 (10) Any other information the Commissioner requires under a rule or
15 regulation adopted under § 13-203 of this title; [and]

16 (11) A request for the issuance of a warrant to survey or a warrant to
17 resurvey and the subsequent issuance of a patent for the land described in the
18 application; AND

19 (12) A CHAIN OF TITLE OR ABSTRACT OF A CHAIN OF TITLE ON ALL LAND
20 ADJOINING THE ALLEGED VACANCY BACK TO THE EARLIEST LAND PATENTS IN THE
21 AREA.

22 (b) The application shall be signed and verified by the applicant and by each
23 person required to be named under subsection (a)(2) of this section.

24 13-406.

25 (F) IF AN APPLICANT WITHDRAWS AN APPLICATION BEFORE THE DATE OF
26 THE HEARING AND AFTER THE COMMISSIONER ACCEPTS THE CERTIFICATE OF
27 SURVEY, DUPLICATE CERTIFICATE, AND PLAT FOR FILING UNDER § 13-311 OF THIS
28 TITLE, THE COMMISSIONER MAY:

29 (1) ISSUE FINDINGS, WHICH SHALL BE PUBLISHED IN THE MARYLAND
30 REGISTER; AND

31 (2) REQUIRE THE APPLICANT TO PAY THE REASONABLE EXPENSES OF:

32 (I) THE OBJECTORS, INCLUDING ATTORNEY'S FEES AND EXPERT
33 WITNESS FEES; AND

34 (II) THE COMMISSIONER, INCLUDING ADMINISTRATIVE,
35 RESEARCH, AND HEARING EXPENSES.

1 13-413.

2 (c) If the Commissioner finds that an applicant for a land patent acted in bad
3 faith [and] OR without substantial justification, the Commissioner may require the
4 applicant to pay the reasonable expenses of the objectors, including their attorneys'
5 fees and expert witness fees, and the reasonable expenses of the Commissioner,
6 including administrative, research, and hearing expenses.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
8 effect October 1, 1998.