
By: **Prince George's County Delegation**

Introduced and read first time: February 9, 1998

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Prince George's County - Tax Sale Procedure - Notice to Tenants**
3 **PG 410-98**

4 FOR the purpose of requiring in Prince George's County that a plaintiff in an action to
5 foreclose a right of redemption send a written notice in a certain manner to
6 certain persons who the plaintiff knows, or has reason to know, occupy the
7 property; prohibiting certain persons who acquire a deed as a result of a tax sale
8 from being issued a writ for possession unless certain notice is given in a certain
9 manner; and generally relating to notice to tenants of a property subject to an
10 action to foreclose a right of redemption or motion for writ for possession of the
11 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
27 land records of the county, of the records of the register of wills of the county, and of
28 the records of the circuit court for the county;

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

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

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

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

15 (vi) if appropriate, the State.

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

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

28 (4) (i) Notwithstanding the provisions of paragraph (3) of this
29 subsection, the plaintiff shall send written notice of the proceeding to all persons
30 having a recorded interest, claim, or lien, including a judgment, who have not been
31 made a defendant in the proceeding, and, if the subject property is the common areas
32 owned by or legally dedicated to a homeowners association, to the homeowners
33 association governing the property, at the last reasonably ascertainable address.

34 (II) IN PRINCE GEORGE'S COUNTY, THE PLAINTIFF SHALL SEND
35 WRITTEN NOTICE OF THE PROCEEDING TO ANY PERSON WHO THE PLAINTIFF KNOWS
36 IS A TENANT OR WHO THE PLAINTIFF HAS REASON TO KNOW IS A TENANT THROUGH
37 THE TENANT'S ACTUAL OCCUPANCY OF THE SUBJECT PROPERTY.

38 [(ii)] (III) The notice under this subsection shall:

39 1. be sent by certified mail, postage prepaid, return receipt
40 requested, bearing a postmark from the United States Postal Service; and

