Unofficial Copy Q2 1998 Regular Session 8lr0416

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

- 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
- 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;

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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 SENI 35 WRITTEN NOTICE OF THE PROCEEDING TO ANY PERSON WHO THE PLAINTIFF KNOW: 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

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1			2.	be accompanied by a copy of the complaint.	
2		[(iii)]	(IV)	The plaintiff shall file in the action:	
3			1.	the return receipt from the notice; or	
4			2.	an affidavit that:	
5 6	with; or		A.	the notice provisions of this subsection have been complied	
7 8	reasonably ascertainab	ole.	B.	the address of the holder of the subordinate interest is not	
	9 (5) If the filing under paragraph [(4)(iii)] (4)(IV) of this subsection is 10 made before final ratification of the sale, failure of a holder of a subordinate interest 11 to receive the notice does not invalidate the sale.				
12	14-850.				
	to issuance of a writ fe	or posses	ssion of t	a deed to property under this subtitle is entitled he property under the Maryland Rules as if the ing possession of the property.	
18 19 20	PROPERTY UNDER ANY PROPERTY TO BY A TENANT UNL	THIS S HAT TH LESS AT	UBTITL E PERSO LEAST	DRGE'S COUNTY, A PERSON WHO ACQUIRES A DEED TO E MAY NOT BE ISSUED A WRIT FOR POSSESSION OF DN KNOWS, OR HAS REASON TO KNOW, IS OCCUPIED 30 DAYS BEFORE ISSUANCE OF THE WRIT, THAT ANT OF THE PERSON'S INTENT TO FILE FOR A WRIT	
22	(2)	THE NO	OTICE U	NDER THIS SUBSECTION SHALL:	
		(I) ED, BE		IT BY CERTIFIED MAIL, POSTAGE PREPAID, RETURN A POSTMARK FROM THE UNITED STATES POSTAL	
			Γ OF RE	COMPANIED BY A COPY OF THE JUDGMENT DEMPTION OF THE PROPERTY FOR WHICH THE WRIT D.	
29 30	SECTION 2. ANI July 1, 1998.	D BE IT	FURTH	ER ENACTED, That this Act shall take effect	