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By: **Senator Schrader**  
Introduced and read first time: February 12, 2004  
Assigned to: Rules

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Adverse Possession - Payment of Property Taxes**

3 FOR the purpose of altering the requirements for maintaining a claim of adverse  
4 possession to include payment of certain property taxes; making certain  
5 conforming changes in certain provisions of law relating to objections to land  
6 patents and actions to quiet title; and generally relating to adverse possession of  
7 real property.

8 BY repealing and reenacting, with amendments,  
9 Article - Real Property  
10 Section 13-401 and 14-108(a)  
11 Annotated Code of Maryland  
12 (2003 Replacement Volume and 2003 Supplement)

13 BY adding to  
14 Article - Real Property  
15 Section 14-108.2  
16 Annotated Code of Maryland  
17 (2003 Replacement Volume and 2003 Supplement)

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

20 **Article - Real Property**

21 13-401.

22 The following persons may file an objection to the granting of a patent for all or  
23 any portion of the land described in the application:

24 (1) Any person or governmental body with prior title to any portion of the  
25 land, except that, if the land is land for which a patent never has been issued, the  
26 State and its agencies may object only in accordance with item (3) of this section;

1           (2)     [Any] SUBJECT TO § 14-108.2 OF THIS ARTICLE, ANY person who  
2 possesses any portion of the land under claim of ownership in a manner that, either  
3 directly or by tacking, is actual, open, notorious, exclusive, and continuous and  
4 uninterrupted for the 20 years immediately preceding the date of filing the  
5 application; and

6           (3)     The State or any agency of the State that requires any portion of the  
7 land for public purposes.

8 14-108.

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

20 14-108.2.

21     AN ADVERSE POSSESSION CLAIM MAY NOT BE MAINTAINED UNLESS THE  
22 COMMON LAW ELEMENTS FOR ADVERSE POSSESSION ARE MET AND THE CLAIMANT  
23 OR THE CLAIMANT'S PREDECESSOR HAS PAID ALL THE STATE AND LOCAL PROPERTY  
24 TAXES THAT HAVE BEEN IMPOSED UPON THE PROPERTY FOR THE 20-YEAR  
25 STATUTORY PERIOD.

26     SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2004.