

**Department of Legislative Services**  
Maryland General Assembly  
2004 Session

**FISCAL AND POLICY NOTE**

House Bill 404  
Judiciary

(Delegate Dumais)

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**Real Property - Wrongful Detainer - Married Individuals**

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This bill provides that one spouse may not bring an action to eject the other spouse who:  
(1) holds possession of a property without the right of possession (wrongful detainer); or  
(2) refuses to surrender property after delivery of a deed, in violation of a written agreement to deliver possession at a specified time.

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**Fiscal Summary**

**State Effect:** None. Any slight decrease in filings should have a negligible impact on the District Court's workload and finances.

**Local Effect:** None.

**Small Business Effect:** None.

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**Analysis**

**Current Law:** Maryland law contains procedures to eject (1) a person who holds possession of a property without the right of possession (wrongful detainer); or (2) a grantor who refuses to surrender property after delivery of a deed, in violation of a written agreement to deliver possession at a specified time. There is no spousal exception in either statute.

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## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts), Department of Legislative Services

**Fiscal Note History:** First Reader - February 12, 2004  
mam/jr

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