

---

By: **Delegates Dumais, Anderson, Barkley, Bobo, V. Clagett, Cryor, Feldman,  
Gaines, Goldwater, Kaiser, King, Lee, Love, Menes, Montgomery,  
Pendergrass, Petzold, Smigiel, and Walkup**

Introduced and read first time: January 27, 2005

Assigned to: Judiciary

---

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Property Disposition in Annulment and Divorce - Family**  
3 **Home**

4 FOR the purpose of authorizing a court, in a proceeding for annulment or absolute  
5 divorce, to transfer, subject to the consent of any lienholders, ownership of an  
6 interest in the family home from one or both parties to either or both parties;  
7 providing for the application of this Act; and generally relating to property  
8 disposition in annulment and divorce.

9 BY repealing and reenacting, with amendments,

10 Article - Family Law  
11 Section 8-205(a)  
12 Annotated Code of Maryland  
13 (2004 Replacement Volume)

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

16 **Article - Family Law**

17 8-205.

18 (a) (1) Subject to the provisions of subsection (b) of this section, after the  
19 court determines which property is marital property, and the value of the marital  
20 property, the court may transfer ownership of an interest in property described in  
21 paragraph (2) of this subsection, grant a monetary award, or both, as an adjustment  
22 of the equities and rights of the parties concerning marital property, whether or not  
23 alimony is awarded.

24 (2) The court may transfer ownership of an interest in:

25 (i) a pension, retirement, profit sharing, or deferred compensation  
26 plan, from one party to either or both parties; [and]

1 (ii) subject to the consent of any lienholders, family use personal  
2 property, from one or both parties to either or both parties; AND

3 (III) SUBJECT TO THE CONSENT OF ANY LIENHOLDERS, THE FAMILY  
4 HOME, FROM ONE OR BOTH PARTIES TO EITHER OR BOTH PARTIES.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be  
6 construed to apply only prospectively and may not be applied or interpreted to have  
7 any effect on or application to any action for divorce or annulment filed before the  
8 effective date of this Act.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2005.