
By: **Delegates Dumais, Barkley, Bobo, Bronrott, Brown, Cryor, Feldman,
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Montgomery, Pendergrass, Petzold, Quinter, Rosenberg, Sophocleus,
F. Turner, and Zirkin**

Introduced and read first time: January 27, 2006

Assigned to: Judiciary

A BILL ENTITLED

1 AN ACT concerning

2 **Family Law - Property Disposition in Annulment or Divorce - Transfer of**
3 **Real Property**

4 FOR the purpose of authorizing a court, in a proceeding for annulment or absolute
5 divorce, to transfer, subject to the terms of any lien, ownership of an interest in
6 real property jointly owned by the parties in a certain manner; providing for the
7 application of this Act; and generally relating to property disposition in
8 annulment and divorce.

9 BY repealing and reenacting, without amendments,
10 Article - Family Law
11 Section 8-202
12 Annotated Code of Maryland
13 (2004 Replacement Volume and 2005 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Family Law
16 Section 8-205
17 Annotated Code of Maryland
18 (2004 Replacement Volume and 2005 Supplement)

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

21 **Article - Family Law**

22 8-202.

23 (a) (1) When the court grants an annulment or a limited or absolute divorce,
24 the court may resolve any dispute between the parties with respect to the ownership
25 of personal property.

1 (2) When the court grants an annulment or an absolute divorce, the
2 court may resolve any dispute between the parties with respect to the ownership of
3 real property.

4 (3) Except as provided in § 8-205 of this subtitle, the court may not
5 transfer the ownership of personal or real property from 1 party to the other.

6 (b) When the court determines the ownership of personal or real property, the
7 court may:

8 (1) grant a decree that states what the ownership interest of each party
9 is; and

10 (2) as to any property owned by both of the parties, order a partition or a
11 sale instead of partition and a division of the proceeds.

12 8-205.

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

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

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

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

24 (III) SUBJECT TO THE TERMS OF ANY LIEN, REAL PROPERTY
25 JOINTLY OWNED BY THE PARTIES BY:

26 1. ORDERING THE TRANSFER OF OWNERSHIP OF THE REAL
27 PROPERTY OR ANY INTEREST OF ONE OF THE PARTIES IN THE REAL PROPERTY TO
28 THE OTHER PARTY;

29 2. AUTHORIZING ONE PARTY TO PURCHASE THE INTEREST
30 OF THE OTHER PARTY IN THE REAL PROPERTY, SUBJECT TO THE TERMS AND
31 CONDITIONS ORDERED BY THE COURT; OR

32 3. BOTH.

33 (b) The court shall determine the amount and the method of payment of a
34 monetary award, or the terms of the transfer of the interest in property described in
35 subsection (a)(2) of this section, or both, after considering each of the following
36 factors:

- 1 (1) the contributions, monetary and nonmonetary, of each party to the
2 well-being of the family;
- 3 (2) the value of all property interests of each party;
- 4 (3) the economic circumstances of each party at the time the award is to
5 be made;
- 6 (4) the circumstances that contributed to the estrangement of the
7 parties;
- 8 (5) the duration of the marriage;
- 9 (6) the age of each party;
- 10 (7) the physical and mental condition of each party;
- 11 (8) how and when specific marital property or interest in property
12 described in subsection (a)(2) of this section, was acquired, including the effort
13 expended by each party in accumulating the marital property or the interest in
14 property described in subsection (a)(2) of this section, or both;
- 15 (9) the contribution by either party of property described in § 8-201(e)(3)
16 of this subtitle to the acquisition of real property held by the parties as tenants by the
17 entirety;
- 18 (10) any award of alimony and any award or other provision that the court
19 has made with respect to family use personal property or the family home; and
- 20 (11) any other factor that the court considers necessary or appropriate to
21 consider in order to arrive at a fair and equitable monetary award or transfer of an
22 interest in property described in subsection (a)(2) of this section, or both.
- 23 (c) The court may reduce to a judgment any monetary award made under this
24 section, to the extent that any part of the award is due and owing.

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

29 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
30 October 1, 2006.