
By: **Delegates Dumais, Barkley, Bobo, Bronrott, Brown, Cryor, Feldman,
Goldwater, Gutierrez, Kaiser, King, Lawton, Lee, Madaleno, Menes,
Montgomery, Pendergrass, Petzold, Quinter, Rosenberg, Sophocleus,
F. Turner, and Zirkin**

Introduced and read first time: January 27, 2006
Assigned to: Judiciary

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 14, 2006

CHAPTER _____

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 in a certain manner and under certain circumstances,
6 subject to the terms of any lien, ownership of an interest in real property jointly
7 owned by the parties in a certain manner and used as the principal residence of
8 the parties when they lived together; providing for the application of this Act;
9 and generally relating to property disposition in annulment and divorce.

10 BY repealing and reenacting, without amendments,
11 Article - Family Law
12 Section 8-202
13 Annotated Code of Maryland
14 (2004 Replacement Volume and 2005 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article - Family Law
17 Section 8-205
18 Annotated Code of Maryland
19 (2004 Replacement Volume and 2005 Supplement)

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

1

Article - Family Law

2 8-202.

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

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

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

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

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

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

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]

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

29 (III) **SUBJECT TO THE TERMS OF ANY LIEN, REAL PROPERTY**
30 **JOINTLY OWNED BY THE PARTIES AND USED AS THE PRINCIPAL RESIDENCE OF THE**
31 **PARTIES WHEN THEY LIVED TOGETHER, BY:**

32 1. **ORDERING THE TRANSFER OF OWNERSHIP OF THE REAL**
33 **PROPERTY OR ANY INTEREST OF ONE OF THE PARTIES IN THE REAL PROPERTY TO**
34 **THE OTHER PARTY IF THE PARTY TO WHOM THE REAL PROPERTY IS TRANSFERRED**
35 **OBTAINS THE RELEASE OF THE OTHER PARTY FROM ANY LIEN AGAINST THE REAL**
36 **PROPERTY;**

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