UNOFFICIAL COPY OF HOUSE BILL 452

D4 HB 329/05 - JUD 6lr0753 CF 6lr0754

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

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Family Law - Property Disposition in Annulment or Divorce - Transfer of 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 <u>the parties when they lived together;</u> 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:

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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 party14 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 personal28 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 <u>AND USED AS THE PRINCIPAL RESIDENCE OF THE</u>
31 <u>PARTIES WHEN THEY LIVED TOGETHER</u>, BY:

ORDERING THE TRANSFER OF OWNERSHIP OF THE REAL
 PROPERTY OR ANY INTEREST OF ONE OF THE PARTIES IN THE REAL PROPERTY TO
 THE OTHER PARTY <u>IF THE PARTY TO WHOM THE REAL PROPERTY IS TRANSFERRED</u>
 <u>OBTAINS THE RELEASE OF THE OTHER PARTY FROM ANY LIEN AGAINST THE REAL</u>
 <u>PROPERTY</u>;

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		2. AUTHORIZING ONE PARTY TO PURCHASE THE INTEREST ARTY IN THE REAL PROPERTY, SUBJECT TO <u>IN ACCORDANCE WITH</u> CONDITIONS ORDERED BY THE COURT; OR	
4		3. BOTH.	
7	(b) The court shall determine the amount and the method of payment of a monetary award, or the terms of the transfer of the interest in property described in subsection $(a)(2)$ of this section, or both, after considering each of the following factors:		
9 10	(1) well-being of the fai	the contributions, monetary and nonmonetary, of each party to the nily;	
11	(2)	the value of all property interests of each party;	
12 13	(3) be made;	the economic circumstances of each party at the time the award is to	
14 15	(4) parties;	the circumstances that contributed to the estrangement of the	
16	(5)	the duration of the marriage;	
17	(6)	the age of each party;	
18	(7)	the physical and mental condition of each party;	
21	 19 (8) how and when specific marital property or interest in property 20 described in subsection (a)(2) of this section, was acquired, including the effort 21 expended by each party in accumulating the marital property or the interest in 22 property described in subsection (a)(2) of this section, or both; 		
	(9) of this subtitle to the entirety;	the contribution by either party of property described in $\$$ 8-201(e)(3) e acquisition of real property held by the parties as tenants by the	
26 27	(10) has made with respe	any award of alimony and any award or other provision that the court ct to family use personal property or the family home; and	
		any other factor that the court considers necessary or appropriate to arrive at a fair and equitable monetary award or transfer of an described in subsection (a)(2) of this section, or both.	
31 32		urt may reduce to a judgment any monetary award made under this t that any part of the award is due and owing.	
35	SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any action for annulment or divorce filed before the effective date of this Act.		

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