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By: **Senators Grosfeld and Miller**

Introduced and read first time: January 30, 2006

Assigned to: Judicial Proceedings

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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.

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

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

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

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

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

9 8-205.

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

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

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

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

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

23 1. ORDERING THE TRANSFER OF OWNERSHIP OF THE REAL  
24 PROPERTY OR ANY INTEREST OF ONE OF THE PARTIES IN THE REAL PROPERTY TO  
25 THE OTHER PARTY;

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

29 3. BOTH.

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

34 (1) the contributions, monetary and nonmonetary, of each party to the  
35 well-being of the family;

36 (2) the value of all property interests of each party;

1 (3) the economic circumstances of each party at the time the award is to  
2 be made;

3 (4) the circumstances that contributed to the estrangement of the  
4 parties;

5 (5) the duration of the marriage;

6 (6) the age of each party;

7 (7) the physical and mental condition of each party;

8 (8) how and when specific marital property or interest in property  
9 described in subsection (a)(2) of this section, was acquired, including the effort  
10 expended by each party in accumulating the marital property or the interest in  
11 property described in subsection (a)(2) of this section, or both;

12 (9) the contribution by either party of property described in § 8-201(e)(3)  
13 of this subtitle to the acquisition of real property held by the parties as tenants by the  
14 entirety;

15 (10) any award of alimony and any award or other provision that the court  
16 has made with respect to family use personal property or the family home; and

17 (11) any other factor that the court considers necessary or appropriate to  
18 consider in order to arrive at a fair and equitable monetary award or transfer of an  
19 interest in property described in subsection (a)(2) of this section, or both.

20 (c) The court may reduce to a judgment any monetary award made under this  
21 section, to the extent that any part of the award is due and owing.

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

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