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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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Committee Report: Favorable with amendments  
Senate action: Adopted  
Read second time: March 21, 2006

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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:

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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 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.