

SENATE BILL 353

Q1

71r1671

By: **Senator Della**

Introduced and read first time: February 1, 2007

Assigned to: Budget and Taxation

A BILL ENTITLED

1 AN ACT concerning

2 **Tax Sales – Notice Prior to Action to Foreclose Right of Redemption**

3 FOR the purpose of providing that an action to foreclose the right of redemption for
4 property sold at a tax sale may not be brought until at least a certain period
5 after a certain notice is provided to certain persons in a certain manner;
6 providing certain exceptions; providing for the application of this Act; and
7 generally relating to a certain notice requirement relating to property
8 purchased at a tax sale.

9 BY repealing and reenacting, with amendments,
10 Article – Tax – Property
11 Section 14–833(a)
12 Annotated Code of Maryland
13 (2001 Replacement Volume and 2006 Supplement)

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

16 **Article – Tax – Property**

17 14–833.

18 (a) **(1)** Except as provided in **PARAGRAPH (2) OF THIS SUBSECTION**
19 **AND** subsections (e) and (f) of this section, at any time after 6 months from the date of
20 sale a holder of any certificate of sale may file a complaint to foreclose all rights of
21 redemption of the property to which the certificate relates.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (2) (I) 1. THE HOLDER OF A CERTIFICATE OF SALE MAY
2 NOT FILE A COMPLAINT TO FORECLOSE THE RIGHT OF REDEMPTION UNTIL AT
3 LEAST 3 MONTHS AFTER PROVIDING NOTICE AS REQUIRED UNDER THIS
4 PARAGRAPH TO EACH OF THE PERSONS THAT WILL BE NAMED DEFENDANTS IN
5 THE ACTION TO FORECLOSE THE RIGHT OF REDEMPTION AS PROVIDED IN §
6 14-836(B)(1) OF THIS SUBTITLE.

7 2. THE HOLDER OF A CERTIFICATE OF SALE IS NOT
8 REQUIRED TO PROVIDE THE NOTICE UNDER THIS PARAGRAPH TO THE STATE,
9 THE COUNTY, OR A PERSON THAT THE HOLDER CHOOSES NOT TO INCLUDE AS A
10 DEFENDANT UNDER § 14-836(B)(2) OF THIS SUBTITLE.

11 3. THE HOLDER OF A CERTIFICATE OF SALE IS NOT
12 REQUIRED TO PROVIDE THE NOTICE UNDER THIS PARAGRAPH IF SUBSECTION
13 (E) OR (F) OF THIS SECTION APPLIES TO THE PROPERTY.

14 (II) THE NOTICE REQUIRED UNDER THIS PARAGRAPH
15 SHALL INCLUDE AT LEAST THE FOLLOWING:

16 1. A STATEMENT OF THE FACT OF THE ISSUANCE OF
17 A CERTIFICATE OF SALE, A DESCRIPTION OF THE PROPERTY SHOWN ON THE
18 CERTIFICATE OF SALE, AND THE DATE THE CERTIFICATE OF SALE WAS ISSUED;

19 2. A STATEMENT THAT THE OWNER OR ANY OTHER
20 PERSON THAT HAS AN ESTATE OR INTEREST IN THE PROPERTY MAY REDEEM
21 THE PROPERTY AT ANY TIME UNTIL THE RIGHT OF REDEMPTION HAS BEEN
22 FINALLY FORECLOSED UNDER THE PROVISIONS OF THIS SUBTITLE;

23 3. A STATEMENT THAT THE HOLDER OF THE
24 CERTIFICATE OF SALE MAY FILE AN ACTION TO FORECLOSE THE RIGHT OF
25 REDEMPTION AT ANY TIME AFTER 3 MONTHS FROM THE DATE OF THE NOTICE;
26 AND

27 4. THE NAME, MAILING ADDRESS, AND TELEPHONE
28 NUMBER OF THE CURRENT HOLDER OF THE CERTIFICATE OF SALE.

29 (III) THE NOTICE REQUIRED UNDER THIS PARAGRAPH MAY
30 NOT BE GIVEN UNTIL 3 MONTHS AFTER THE DATE OF SALE.

1 **(IV) IF A CERTIFICATE OF SALE IS ASSIGNED AFTER THE**
2 **NOTICE REQUIRED UNDER THIS PARAGRAPH HAS BEEN SENT, THE ASSIGNEE:**

3 **1. AT ANY TIME AFTER THE ASSIGNMENT, MAY SEND**
4 **AN ADDITIONAL NOTICE UNDER THIS PARAGRAPH REFLECTING THE NEW**
5 **HOLDER OF THE CERTIFICATE; AND**

6 **2. MAY NOT FILE A COMPLAINT TO FORECLOSE THE**
7 **RIGHT OF REDEMPTION UNTIL AT LEAST 3 MONTHS AFTER THE ADDITIONAL**
8 **NOTICE HAS BEEN SENT.**

9 **(V) THE NOTICE REQUIRED UNDER THIS PARAGRAPH**
10 **SHALL BE SENT TO EACH PERSON BY CERTIFIED MAIL, POSTAGE PREPAID,**
11 **RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE UNITED**
12 **STATES POSTAL SERVICE, TO THE PERSON'S LAST ADDRESS KNOWN TO THE**
13 **HOLDER OF THE CERTIFICATE, AS OBTAINED FROM:**

14 **1. ANY RECORDS EXAMINED AS PART OF THE TITLE**
15 **EXAMINATION;**

16 **2. THE TAX ROLLS OF THE COLLECTOR WHO MADE**
17 **THE SALE, AS TO THE PROPERTY DESCRIBED IN THE CERTIFICATE OF SALE; AND**

18 **3. ANY OTHER ADDRESS THAT IS KNOWN TO THE**
19 **HOLDER OF THE CERTIFICATE OF SALE.**

20 **(VI) THE HOLDER OF A CERTIFICATE OF SALE IS NOT**
21 **REQUIRED TO:**

22 **1. MAKE ANY INVESTIGATIONS OR SEARCH ANY**
23 **OTHER RECORDS OR SOURCES OF INFORMATION OTHER THAN THOSE STATED IN**
24 **SUBPARAGRAPH (V) OF THIS PARAGRAPH; OR**

25 **2. PROVIDE THE NOTICE UNDER THIS PARAGRAPH**
26 **BY PUBLICATION OR OTHERWISE TO A PERSON WHOSE LAST KNOWN ADDRESS IS**
27 **NOT OBTAINABLE FROM THE SOURCES OF INFORMATION STATED IN**
28 **SUBPARAGRAPH (V) OF THIS PARAGRAPH.**

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 July 1, 2007, and shall be applicable to all certificates of sale issued on or after July 1,
3 2007.