

# HOUSE BILL 320

M3  
HB 748/09 – ENV

0lr1839  
CF SB 288

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By: **Delegate Beitzel**

Introduced and read first time: January 27, 2010

Assigned to: Environmental Matters

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 9, 2010

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Maryland Dormant Mineral Interests Act**

3 FOR the purpose of stating the purpose of this Act; authorizing a certain owner of real  
4 property to maintain an action to terminate a certain mineral interest under  
5 certain circumstances; establishing certain actions that constitute use of a  
6 mineral interest; requiring a certain owner to bring a certain action in the  
7 circuit court of a certain jurisdiction under certain circumstances; authorizing  
8 an owner of a mineral interest to record the mineral interest under certain  
9 circumstances; providing that a mineral interest is preserved in the county in  
10 which the notice is recorded; authorizing certain individuals to record a certain  
11 notice under certain circumstances; requiring certain information to be included  
12 in a certain notice; requiring a mineral interest to be identified in a certain  
13 manner; requiring a court to permit a certain owner to record a late notice  
14 under certain circumstances; authorizing the circuit court of a certain  
15 jurisdiction to place a severed mineral interest into trust under certain  
16 circumstances, to appoint a trustee for the trust, and to order or authorize the  
17 trustee to take certain actions on behalf of the trust; authorizing a person  
18 vested in certain property to institute proceedings to create a trust and to  
19 appoint a trustee; authorizing a certain trustee to file a petition containing  
20 certain elements to terminate the trust and to convey title to a severed mineral  
21 interest under certain circumstances; requiring the court to enter an order  
22 requiring the trustee to convey the title to a severed mineral interest to a  
23 certain party under certain circumstances; requiring the trustee to take certain  
24 actions if the court issues the order; providing that certain surface owners are  
25 entitled to certain proceeds after the conveyance of the severed mineral interest

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 by the trustee; requiring the court to terminate the trust and discharge the  
 2 trustee after receiving a certain report from the trustee; ~~providing that a certain~~  
 3 ~~lease will remain in force and effect following certain events unless it has~~  
 4 ~~previously expired by its own terms;~~ requiring certain provisions to be  
 5 administered in accordance with the Maryland Rules; requiring certain notice,  
 6 forms, and hearing procedures to be in accordance with the Maryland Rules;  
 7 defining certain terms; providing for the application of this Act; making the  
 8 provisions of this Act severable; and generally relating to dormant mineral  
 9 interests.

10 BY adding to

11 Article – Environment

12 Section 15–1201 through 15–1206 to be under the new subtitle “Subtitle 12.  
 13 Maryland Dormant Mineral Interests Act”

14 Annotated Code of Maryland

15 (2007 Replacement Volume and 2009 Supplement)

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

18 **Article – Environment**

19 **SUBTITLE 12. MARYLAND DORMANT MINERAL INTERESTS ACT.**

20 **15–1201.**

21 **(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS**  
 22 **INDICATED.**

23 **(B) “MINERAL INTEREST” MEANS AN INTEREST IN A MINERAL ESTATE,**  
 24 **HOWEVER CREATED AND REGARDLESS OF FORM, WHETHER ABSOLUTE OR**  
 25 **FRACTIONAL, DIVIDED OR UNDIVIDED, CORPOREAL OR INCORPOREAL,**  
 26 **INCLUDING A FEE SIMPLE OR ANY LESSER INTEREST OR ANY KIND OF ROYALTY,**  
 27 **PRODUCTION PAYMENT, EXECUTIVE RIGHT, NONEXECUTIVE RIGHT,**  
 28 **LEASEHOLD, OR LIEN IN MINERALS, REGARDLESS OF CHARACTER.**

29 **(C) “MINERAL” INCLUDES:**

30 **(1) GAS;**

31 **(2) OIL AND OIL SHALE;**

32 **(3) COAL;**

33 **(4) GASEOUS, LIQUID, AND SOLID HYDROCARBONS;**

1           **(5) CEMENT MATERIALS, SAND AND GRAVEL, ROAD MATERIALS,**  
2 **AND BUILDING STONE;**

3           **(6) CHEMICAL SUBSTANCES;**

4           **(7) GEMSTONE, METALLIC, FISSIONABLE, AND NONFISSIONABLE**  
5 **ORES; AND**

6           **(8) COLLOIDAL AND OTHER CLAY, STEAM, AND GEOTHERMAL**  
7 **RESOURCES.**

8           **(D) “SEVERED MINERAL INTEREST” MEANS A MINERAL INTEREST THAT**  
9 **IS SEVERED FROM THE INTEREST IN THE SURFACE ESTATE OVERLYING THE**  
10 **MINERAL INTEREST.**

11           **(E) “SURFACE ESTATE” MEANS AN INTEREST IN THE ESTATE**  
12 **OVERLYING A MINERAL INTEREST.**

13           **(F) (1) “SURFACE OWNER” MEANS ANY PERSON VESTED WITH A**  
14 **WHOLE OR UNDIVIDED FEE SIMPLE INTEREST OR OTHER FREEHOLD INTEREST**  
15 **IN THE SURFACE ESTATE.**

16           **(2) “SURFACE OWNER” DOES NOT INCLUDE THE OWNER OF A**  
17 **RIGHT-OF-WAY, EASEMENT, OR LEASEHOLD ON THE SURFACE ESTATE.**

18           **(G) (1) “UNKNOWN OR MISSING OWNER” MEANS ANY PERSON VESTED**  
19 **WITH A SEVERED MINERAL INTEREST WHOSE PRESENT IDENTITY OR LOCATION**  
20 **CANNOT BE DETERMINED:**

21                   **(I) FROM THE RECORDS OF THE COUNTY WHERE THE**  
22 **SEVERED MINERAL INTEREST IS LOCATED; OR**

23                   **(II) BY DILIGENT INQUIRY IN THE VICINITY OF THE**  
24 **OWNER’S LAST KNOWN PLACE OF RESIDENCE.**

25           **(2) “UNKNOWN OR MISSING OWNER” INCLUDES THE HEIRS,**  
26 **SUCCESSORS, OR ASSIGNEES OF AN UNKNOWN OR MISSING OWNER.**

27 **15-1202.**

28           **(A) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**  
29 **SUBSECTION, THIS SUBTITLE APPLIES TO ALL MINERAL INTERESTS.**

30           **(2) THIS SUBTITLE DOES NOT APPLY TO A MINERAL INTEREST:**

1 (I) HELD BY THE UNITED STATES OR A NATIVE AMERICAN  
2 TRIBE, EXCEPT TO THE EXTENT PERMITTED BY FEDERAL LAW; OR

3 (II) HELD BY THE STATE OR AN AGENCY OR POLITICAL  
4 SUBDIVISION OF THE STATE, EXCEPT TO THE EXTENT PERMITTED BY STATE  
5 LAW.

6 (B) THE PURPOSE OF THIS SUBTITLE IS TO MAKE UNIFORM THE LAW  
7 GOVERNING DORMANT MINERAL INTERESTS AMONG THE STATES.

8 (C) THIS SUBTITLE DOES NOT LIMIT OR AFFECT ANY OTHER  
9 PROCEDURE PROVIDED BY LAW FOR CLEARING AN ABANDONED MINERAL  
10 INTEREST FROM TITLE TO REAL PROPERTY.

11 (D) THIS SUBTITLE DOES NOT LIMIT OR AFFECT WATER RIGHTS.

12 15-1203.

13 (A) (1) ON OR AFTER OCTOBER 1, 2011, A SURFACE OWNER OF REAL  
14 PROPERTY THAT IS SUBJECT TO A MINERAL INTEREST MAY MAINTAIN AN  
15 ACTION TO TERMINATE A DORMANT MINERAL INTEREST.

16 (2) A MINERAL INTEREST IS DORMANT FOR THE PURPOSE OF  
17 THIS SUBTITLE IF:

18 (I) THE MINERAL INTEREST IS UNUSED FOR A PERIOD OF  
19 20 OR MORE YEARS PRECEDING THE COMMENCEMENT OF TERMINATION OF THE  
20 MINERAL INTEREST; AND

21 (II) NOTICE OF THE MINERAL INTEREST WAS NOT  
22 RECORDED DURING THE PERIOD OF 20 OR MORE YEARS PRECEDING THE  
23 COMMENCEMENT OF TERMINATION OF THE MINERAL INTEREST.

24 (B) (1) THE ACTION MUST BE IN THE NATURE OF AND REQUIRE THE  
25 SAME NOTICE AS IS REQUIRED IN AN ACTION TO QUIET TITLE AS SET FORTH IN  
26 § 14-108 OF THE REAL PROPERTY ARTICLE.

27 (2) THE ACTION MAY BE MAINTAINED, WHETHER OR NOT THE  
28 OWNER OF THE SEVERED MINERAL INTEREST IS AN UNKNOWN OR MISSING  
29 OWNER.

30 (C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS  
31 SUBSECTION, THE FOLLOWING ACTIONS TAKEN BY OR UNDER THE AUTHORITY  
32 OF THE OWNER OF A MINERAL INTEREST IN RELATION TO ANY MINERAL THAT IS

1 PART OF THE MINERAL INTEREST SHALL CONSTITUTE USE OF THE ENTIRE  
2 MINERAL INTEREST:

3 (I) ACTIVE MINERAL OPERATIONS ON OR BELOW THE  
4 SURFACE OF THE REAL PROPERTY OR OTHER PROPERTY UTILIZED OR POOLED  
5 WITH THE REAL PROPERTY, INCLUDING PRODUCTION, GEOPHYSICAL  
6 EXPLORATION, EXPLORATORY OR DEVELOPMENTAL DRILLING, MINING,  
7 EXPLOITATION, AND DEVELOPMENT OF MINERALS;

8 (II) PAYMENT OF TAXES ON A SEPARATE ASSESSMENT OF  
9 THE MINERAL INTEREST OR OF A TRANSFER OR SEVERANCE TAX RELATING TO  
10 THE MINERAL INTEREST, IN ACCORDANCE WITH § 8-229 OF THE  
11 TAX – PROPERTY ARTICLE;

12 (III) RECORDATION OF AN INSTRUMENT THAT CREATES,  
13 RESERVES, OR OTHERWISE EVIDENCES A CLAIM TO, OR THE CONTINUED  
14 EXISTENCE OF, THE MINERAL INTEREST, INCLUDING AN INSTRUMENT THAT  
15 TRANSFERS, LEASES, OR DIVIDES THE INTEREST; AND

16 (IV) RECORDATION OF A JUDGMENT OR DECREE THAT  
17 MAKES A SPECIFIC REFERENCE TO THE MINERAL INTEREST.

18 (2) THE INJECTION OF SUBSTANCES FOR THE PURPOSE OF  
19 DISPOSAL OR STORAGE DOES NOT CONSTITUTE USE OF A MINERAL INTEREST.

20 (D) (1) A SURFACE OWNER OF REAL PROPERTY THAT IS SUBJECT TO  
21 A MINERAL INTEREST WHO BRINGS AN ACTION TO TERMINATE A DORMANT  
22 MINERAL INTEREST IN ACCORDANCE WITH THIS SECTION SHALL BRING THE  
23 ACTION IN THE CIRCUIT COURT OF THE JURISDICTION IN WHICH THE REAL  
24 PROPERTY IS LOCATED.

25 (2) A COURT ORDER THAT TERMINATES A MINERAL INTEREST  
26 MERGES THE TERMINATED MINERAL INTEREST, INCLUDING EXPRESS AND  
27 IMPLIED APPURTENANT SURFACE RIGHTS AND OBLIGATIONS, WITH THE  
28 SURFACE ESTATE IN SHARES PROPORTIONATE TO THE OWNERSHIP OF THE  
29 SURFACE ESTATE, SUBJECT TO EXISTING LIENS FOR TAXES OR ASSESSMENTS.

30 (E) THIS SECTION SHALL APPLY NOTWITHSTANDING ANY PROVISION TO  
31 THE CONTRARY IN:

32 (1) THE INSTRUMENT THAT CREATES, RESERVES, TRANSFERS,  
33 LEASES, DIVIDES, OR OTHERWISE EVIDENCES THE CLAIM TO, OR THE  
34 CONTINUED EXISTENCE OF, THE MINERAL INTEREST; OR

1           (2) ANOTHER RECORDED DOCUMENT, UNLESS THE INSTRUMENT  
2 OR OTHER RECORDED DOCUMENT PROVIDES AN EARLIER TERMINATION DATE.

3 15-1204.

4           (A) (1) AN OWNER OF A MINERAL INTEREST MAY RECORD, AT ANY  
5 TIME, A NOTICE OF INTENT TO PRESERVE THE MINERAL INTEREST OR A PART  
6 OF A MINERAL INTEREST.

7           (2) A MINERAL INTEREST IS PRESERVED IN THE COUNTY IN  
8 WHICH THE NOTICE IS RECORDED.

9           (B) (1) THE FOLLOWING INDIVIDUALS MAY RECORD A NOTICE IN  
10 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION:

11                   (I) AN OWNER OF THE MINERAL INTEREST;

12                           (II) ANOTHER PERSON ~~ACTING~~ LEGALLY AUTHORIZED TO  
13 ACT ON BEHALF OF THE OWNER IF THE OWNER:

14                                           ~~1. IS DISABLED OR UNABLE TO ASSERT A CLAIM ON~~  
15 ~~THE OWNER'S BEHALF; OR~~

16                                           ~~2. CANNOT BE IDENTIFIED; OR~~

17                           (III) A CO-OWNER, FOR THE BENEFIT OF ANY OR ALL  
18 CO-OWNERS.

19           (2) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS  
20 SECTION SHALL CONTAIN:

21                           (I) THE NAME OF THE OWNER, OR CO-OWNERS, OF THE  
22 ~~MINERAL INTEREST, OR THE CO-OWNERS OR OTHER PERSONS FOR WHOM THE~~  
23 ~~MINERAL INTEREST IS TO BE PRESERVED; OR~~

24                           (II) IF THE IDENTITY OF THE OWNER CANNOT BE  
25 DETERMINED, INFORMATION THAT STATES THAT THE OWNER CANNOT BE  
26 DETERMINED; AND

27                           (III) AN IDENTIFICATION OF THE MINERAL INTEREST OR  
28 PART OF THE MINERAL INTEREST TO BE PRESERVED, IN ACCORDANCE WITH  
29 SUBSECTION (C) OF THIS SECTION.

30           (C) A MINERAL INTEREST SHALL BE IDENTIFIED BY:

1           (1) A REFERENCE TO THE LOCATION IN THE RECORDS OF THE  
2 INSTRUMENT THAT CREATES, RESERVES, OR OTHERWISE EVIDENCES THE  
3 INTEREST;

4           (2) THE JUDGMENT OR DECREE THAT CONFIRMS THE MINERAL  
5 INTEREST;

6           (3) A LEGAL DESCRIPTION OF THE MINERAL INTEREST, IF  
7 ACCOMPANIED BY A REFERENCE TO THE NAME OF THE RECORD OWNER UNDER  
8 WHOM THE OWNER OF THE MINERAL INTEREST CLAIMS; OR

9           (4) A GENERAL REFERENCE TO ANY OR ALL MINERAL INTERESTS  
10 OF THE OWNER IN ANY REAL PROPERTY SITUATED IN THE COUNTY, IF:

11                   (I) A PREVIOUSLY RECORDED INSTRUMENT CREATED,  
12 RESERVED, OR OTHERWISE EVIDENCED THE MINERAL INTEREST; OR

13                   (II) A JUDGMENT OR DECREE CONFIRMS THE MINERAL  
14 INTEREST.

15 **15-1205.**

16           (A) IN THIS SECTION, "LITIGATION EXPENSES" MEANS COSTS AND  
17 EXPENSES THAT THE COURT DETERMINES ARE REASONABLY AND NECESSARILY  
18 INCURRED IN PREPARING FOR AND PROSECUTING AN ACTION, INCLUDING  
19 REASONABLE ATTORNEY'S FEES.

20           (B) IN AN ACTION TO TERMINATE A MINERAL INTEREST IN  
21 ACCORDANCE WITH § 15-1203 OF THIS SUBTITLE, THE COURT SHALL PERMIT  
22 THE OWNER OF THE MINERAL INTEREST TO RECORD A LATE NOTICE OF INTENT  
23 TO PRESERVE THE MINERAL INTEREST AS A CONDITION OF DISMISSAL OF THE  
24 ACTION, IF THE OWNER OF THE MINERAL INTEREST PAYS THE LITIGATION  
25 EXPENSES INCURRED BY THE SURFACE OWNER OF THE REAL PROPERTY THAT IS  
26 SUBJECT TO THE MINERAL INTEREST.

27           (C) THIS SECTION DOES NOT APPLY IN AN ACTION IN WHICH A MINERAL  
28 INTEREST HAS BEEN UNUSED IN ACCORDANCE WITH § 15-1203 OF THIS  
29 SUBTITLE FOR A PERIOD OF 40 YEARS OR MORE PRECEDING THE  
30 COMMENCEMENT OF THE ACTION.

31 **15-1206.**

32           (A) IF THE TITLE TO A SEVERED MINERAL INTEREST IS VESTED IN AN  
33 UNKNOWN OR MISSING OWNER, THE CIRCUIT COURT OF THE COUNTY WHERE

1 THE SEVERED MINERAL INTEREST IS LOCATED MAY ON PETITION, AND AFTER  
2 NOTICE AND A HEARING:

3 (1) PLACE THE SEVERED MINERAL INTEREST IN TRUST BY  
4 ORDER;

5 (2) APPOINT A TRUSTEE FOR THE UNKNOWN OR MISSING OWNER;

6 (3) ORDER THE TRUSTEE TO CREATE A SEPARATE TRUST BANK  
7 ACCOUNT TO MANAGE ALL TRUST ASSETS;

8 (4) AUTHORIZE THE TRUSTEE TO SELL, EXECUTE, AND DELIVER A  
9 VALID LEASE ON THE MINERALS TO THE OWNER OF THE SURFACE ESTATE; AND

10 (5) PLACE CONDITIONS ON THE AUTHORIZATION IN ITEM (4) OF  
11 THIS SUBSECTION.

12 (B) A PETITION TO CREATE A TRUST FOR A SEVERED MINERAL  
13 INTEREST AND TO APPOINT A TRUSTEE UNDER SUBSECTION (A) OF THIS  
14 SECTION MAY BE FILED BY A PERSON VESTED IN:

15 ~~(1) FEE FEE~~ FEE SIMPLE WITH THE WHOLE OR UNDIVIDED INTEREST  
16 IN THE SURFACE ESTATE OR ESTATES;

17 ~~(2) FEE SIMPLE WITH THE WHOLE OR UNDIVIDED INTEREST IN~~  
18 ~~MINERAL INTERESTS THAT ARE ADJACENT AND CONTIGUOUS TO THE SEVERED~~  
19 ~~MINERAL INTEREST VESTED IN AN UNKNOWN OR MISSING OWNER; OR~~

20 ~~(3) A VALID MINERAL LEASE WITH THE WHOLE OR UNDIVIDED~~  
21 ~~INTEREST IN THE INTERESTS SET FORTH IN ITEM (1) OR (2) OF THIS~~  
22 ~~SUBSECTION.~~

23 (C) (1) IF THE UNKNOWN OR MISSING OWNER OF A VESTED SEVERED  
24 MINERAL INTEREST DOES NOT CONTEST A TRUST CREATED UNDER SUBSECTION  
25 (A)(1) OF THIS SECTION ON OR BEFORE 5 YEARS AFTER THE DATE THAT THE  
26 COURT ISSUED THE ORDER CREATING THE TRUST, THE TRUSTEE SHALL FILE A  
27 PETITION TO TERMINATE THE TRUST AND TO CONVEY TITLE TO THE SEVERED  
28 MINERAL INTEREST TO THE SURFACE OWNERS.

29 (2) THE PETITION IN PARAGRAPH (1) OF THIS SUBSECTION  
30 SHALL:

31 (I) NAME AS DEFENDANTS:

32 1. THE SURFACE OWNERS; AND



1                   2.     ANY OTHER PERSON WITH A LEGAL INTEREST IN  
2 THE SEVERED MINERAL INTEREST, INCLUDING ANY UNKNOWN OR MISSING  
3 OWNERS; AND

4                   (ii)    INCLUDE:

5                   1.     A LEGAL DESCRIPTION OF THE SEVERED  
6 MINERAL INTEREST;

7                   2.     A DESCRIPTION OF THE PUTATIVE PROPERTY  
8 INTERESTS OF EACH OF THE PARTIES;

9                   3.     THE LAST KNOWN ADDRESS OF EACH OF THE  
10 PARTIES;

11                  4.     AN AFFIDAVIT SIGNED BY THE SURFACE OWNERS,  
12 AFFIRMING FEE SIMPLE OWNERSHIP OF THE SURFACE ESTATE OR ESTATES,  
13 AND REQUESTING THE COURT TO CONVEY TITLE TO THE SEVERED MINERAL  
14 INTEREST AT ISSUE; AND

15                  5.     AN AFFIDAVIT SIGNED BY THE TRUSTEE,  
16 AFFIRMING THAT:

17                    ~~A.~~    ~~AFTER AFTER~~ CONDUCTING A DILIGENT INQUIRY,  
18 INCLUDING A SEARCH IN THE COUNTY WHERE THE SEVERED MINERAL  
19 INTEREST IS LOCATED, PERFORMED IN ACCORDANCE WITH GENERALLY  
20 ACCEPTED STANDARDS OF TITLE EXAMINATION OF THE LAND RECORDS OF THE  
21 COUNTY, RECORDS OF REGISTER OF WILLS OF THE COUNTY, AND RECORDS OF  
22 THE CIRCUIT COURT FOR THE COUNTY, THE TRUSTEE CANNOT LOCATE THE  
23 UNKNOWN OR MISSING OWNER; ~~AND~~

24                    ~~B.~~    ~~THERE IS A PERSON WILLING TO PURCHASE A~~  
25 ~~MINERAL LEASE FOR THE SEVERED MINERAL INTEREST HELD BY THE~~  
26 ~~UNKNOWN OR MISSING OWNER.~~

27                  (D)    FOLLOWING A PETITION BY THE TRUSTEE MADE UNDER  
28 SUBSECTION (C) OF THIS SECTION, THE COURT SHALL, AFTER NOTICE, HOLD A  
29 HEARING ON THE MOTION AND ENTER AN ORDER REQUIRING THE TRUSTEE TO  
30 CONVEY THE UNKNOWN OR MISSING OWNER'S MINERAL INTEREST TO THE  
31 NAMED SURFACE OWNERS IF:

32                   (1)    THE UNKNOWN OR MISSING OWNER DOES NOT APPEAR TO  
33 CONTEST THE PETITION; AND

1           **(2) THE COURT FINDS THAT THE INDIVIDUALS NAMED IN THE**  
2 **PETITION AS THE SURFACE OWNERS ARE IN FACT THE FEE SIMPLE OWNERS OF**  
3 **THE SURFACE ESTATE OR ESTATES.**

4           **(E) IF THE COURT ORDERS THE CONVEYANCE IN ACCORDANCE WITH**  
5 **SUBSECTION (D) OF THIS SECTION, THE TRUSTEE SHALL:**

6           **(1) CONVEY BY RECORDABLE INSTRUMENT THE UNKNOWN OR**  
7 **MISSING OWNER'S SEVERED MINERAL INTEREST TO THE NAMED SURFACE**  
8 **OWNERS;**

9           **(2) PAY FROM ANY TRUST ACCOUNT ALL REQUIRED TAXES,**  
10 **COURT COSTS, EXPENSES, AND FEES, INCLUDING ANY FEE FOR SERVICES TO**  
11 **THE TRUSTEE AUTHORIZED BY THE COURT;**

12           **(3) PAY ANY BALANCE REMAINING IN ANY TRUST ACCOUNT**  
13 **AFTER THE PAYMENTS SET FORTH IN ITEM (2) OF THIS SUBSECTION TO THE**  
14 **NAMED SURFACE OWNERS;**

15           **(4) CLOSE ANY TRUST ACCOUNT; AND**

16           **(5) MAKE A FINAL REPORT TO THE COURT ACCOUNTING FOR THE**  
17 **FINANCIAL TRANSACTIONS OF THE TRUST.**

18           **(F) AFTER THE CONVEYANCE TO THE SURFACE OWNERS IN**  
19 **ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE SURFACE OWNERS**  
20 **SHALL BE ENTITLED TO RECEIVE ALL PROCEEDS FROM THE LEASE OF THE**  
21 **MINERAL INTEREST CONVEYED.**

22           **(G) AFTER RECEIVING THE FINAL REPORT OF THE TRUSTEE IN**  
23 **ACCORDANCE WITH SUBSECTION (E)(5) OF THIS SECTION, THE COURT SHALL**  
24 **ORDER THE TRUST TERMINATED AND THE TRUSTEE DISCHARGED.**

25           ~~**(H) A LEASE AUTHORIZED BY THE COURT UNDER SUBSECTION (A)(4) OF**~~  
26 ~~**THIS SECTION SHALL CONTINUE IN FORCE AND EFFECT AFTER THE**~~  
27 ~~**TERMINATION OF THE TRUST OR THE MERGER OF THE MINERAL INTEREST WITH**~~  
28 ~~**THE SURFACE ESTATE OR ESTATES UNLESS THE LEASE HAS PREVIOUSLY**~~  
29 ~~**EXPIRED BY ITS OWN TERMS.**~~

30           ~~**(H)**~~ **(H) (1) A TRUST CREATED UNDER THIS SECTION SHALL BE**  
31 **ADMINISTERED BY THE COURT AS PROVIDED BY THE MARYLAND RULES.**

32           **(2) UNDER THIS SECTION, PROCEDURES FOR NOTICE TO**  
33 **INTERESTED PERSONS, THE FORMS OF PETITIONS, AND THE CONDUCT AND**

1 **REQUIREMENTS AT A HEARING SHALL BE AS PROVIDED BY THE MARYLAND**  
2 **RULES.**

3 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this  
4 Act or the application thereof to any person or circumstance is held invalid for any  
5 reason in a court of competent jurisdiction, the invalidity does not affect other  
6 provisions or any other application of this Act which can be given effect without the  
7 invalid provision or application, and for this purpose the provisions of this Act are  
8 declared severable.

9 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
10 October 1, 2010.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.