

SENATE BILL 372

Q1

0lr0426

By: **Senator Della**

Introduced and read first time: January 28, 2010

Assigned to: Budget and Taxation

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 11, 2010

CHAPTER _____

1 AN ACT concerning

2 **Property Tax – Tax Sales – Notice to Foreclose Right of Redemption**

3 FOR the purpose of altering certain notice provisions by requiring a holder of a
4 certificate of sale to send certain notices by certified mail before the holder of a
5 certificate of sale may file a complaint to foreclose the right of redemption; and
6 generally relating to notices to foreclose the right of redemption.

7 BY repealing and reenacting, without amendments,

8 Article – Tax – Property

9 Section 14–833(a–1)(1)

10 Annotated Code of Maryland

11 (2007 Replacement Volume and 2009 Supplement)

12 BY repealing and reenacting, with amendments,

13 Article – Tax – Property

14 Section 14–833(a–1)(6) and (8)

15 Annotated Code of Maryland

16 (2007 Replacement Volume and 2009 Supplement)

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

19 **Article – Tax – Property**

20 14–833.

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 (a-1) (1) The holder of a certificate of sale may not file a complaint to
 2 foreclose the right of redemption until at least 2 months after sending the first of two
 3 notices required under this subsection to:

4 (i) the person who last appears as owner of the property on the
 5 collector's tax roll; and

6 (ii) 1. the current mortgagee of the property, assignee of a
 7 mortgagee of record, or servicer of the current mortgage; or

8 2. the current holder of a beneficial interest in a deed of
 9 trust recorded against the property.

10 (6) **(I)** The ~~notice~~ **FIRST OF THE TWO NOTICES** required under
 11 this subsection shall be sent:

12 ~~(i)~~ **1.** by first-class mail; and

13 ~~(ii)~~ **2.** in an envelope prominently marked on the outside
 14 with the following phrase "Notice of Delinquent Property Tax".

15 **(II) THE SECOND OF THE TWO NOTICES REQUIRED UNDER**
 16 **THIS SUBSECTION SHALL BE SENT:**

17 **1. BY FIRST-CLASS CERTIFIED MAIL, POSTAGE**
 18 **PREPAID, RETURN RECEIPT REQUESTED, BEARING A POSTMARK FROM THE**
 19 **UNITED STATES POSTAL SERVICE; AND**

20 **2. IN AN ENVELOPE PROMINENTLY MARKED ON THE**
 21 **OUTSIDE WITH THE FOLLOWING PHRASE "NOTICE OF DELINQUENT PROPERTY**
 22 **TAX".**

23 (8) In a proceeding to foreclose the right of redemption, if the holder of
 24 a certificate of sale, the holder's agent, or the attorney of the holder of a certificate of
 25 sale, files an affidavit, before the court enters a final judgment foreclosing the right of
 26 redemption, attesting to the fact that the affiant has complied with the notice
 27 provisions of this subsection **AND PROVIDES EVIDENCE THAT ~~NOTICE~~ THE SECOND**
 28 **OF THE TWO NOTICES REQUIRED UNDER THIS SUBSECTION WAS SENT BY**
 29 **CERTIFIED MAIL AS REQUIRED UNDER PARAGRAPH ~~(6)~~ (6)(II) OF THIS**
 30 **SUBSECTION**, then:

31 (i) the notice provisions of this subsection shall be deemed
 32 satisfied; and

1 (ii) the failure of the owner, mortgagee, or beneficiary of a deed
2 of trust to receive the required notice does not invalidate the proceeding to foreclose
3 the right of redemption or the final judgment of the court.

4 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
5 July 1, 2010.

Approved:

Governor.

President of the Senate.

Speaker of the House of Delegates.