

HOUSE BILL 367

N1

11r1353

By: **Delegates Niemann, Holmes, and Gilchrist**

Introduced and read first time: February 3, 2011

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Maryland Contract Lien Act – Foreclosures**

3 FOR the purpose of providing that a lien under the Maryland Contract Lien Act may
4 be enforced and foreclosed by the party who obtained the lien in the same
5 manner, and subject to the same requirements, as the foreclosure of certain
6 mortgages or deeds of trust on nonresidential property in this State; and
7 generally relating to foreclosures under the Maryland Contract Lien Act.

8 BY repealing and reenacting, with amendments,
9 Article – Real Property
10 Section 14–204
11 Annotated Code of Maryland
12 (2010 Replacement Volume and 2010 Supplement)

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

15 **Article – Real Property**

16 14–204.

17 (a) A lien may be enforced and foreclosed by the party who obtained the lien
18 in the same manner, and subject to the same requirements, as the foreclosure of
19 mortgages or deeds of trust [on property in this State] containing a power of sale or an
20 assent to a decree **ON NONRESIDENTIAL PROPERTY IN THIS STATE**.

21 (b) If the owner of property subject to a lien is personally liable for alleged
22 damages, suit for any deficiency following foreclosure may be maintained in the same
23 proceeding, and suit for a monetary judgment for unpaid damages may be maintained
24 without waiving any lien securing the same.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (c) Any action to foreclose a lien shall be brought within 12 years following
2 recordation of the statement of lien.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 June 1, 2011.