SENATE BILL 98

By: **Senators Kelley and Colburn**
Introduced and read first time: January 16, 2012
Assigned to: Judicial Proceedings

A BILL ENTITLED

1   AN ACT concerning

2   **Real Property – Recordation – Foreclosure Sales**

3   FOR the purpose of requiring a certain purchaser in a foreclosure sale to pay the
4   entire amount of any required recordation or transfer taxes; requiring a certain
5   person to record a deed or final order of ratification within a certain period of
6   time after the entry of a final order ratifying a foreclosure sale; establishing a
7   certain penalty for a violation of this Act; and generally relating to recordation
8   requirements and foreclosure sales.

9   BY adding to
10   Article – Real Property
11   Section 3–101.1 and 3–102.1
12   Annotated Code of Maryland
13   (2010 Replacement Volume and 2011 Supplement)

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

16   **Article – Real Property**

17   **3–101.1.**

18   **IF THE SECURED PARTY IS THE PURCHASER AT A FORECLOSURE SALE**
19   **UNDER TITLE 7, SUBTITLE 1 OF THIS ARTICLE OF PROPERTY SUBJECT TO A**
20   **MORTGAGE OR DEED OF TRUST, AT THE TIME OF RECORDING A DEED**
21   **TRANSFERRING TITLE TO THE FORECLOSED PROPERTY TO THE SECURED**
22   **PARTY, THE SECURED PARTY SHALL PAY THE ENTIRE AMOUNT OF ANY**
23   **REQUIRED RECORDATION OR TRANSFER TAXES.**

24   **3–102.1.**

1   **(A)   WITHIN 60 DAYS AFTER THE ENTRY OF A FINAL ORDER RATIFYING A**
2   **SALE IN AN ACTION TO FORECLOSE A MORTGAGE OR DEED OF TRUST, THE**
3   **PERSON AUTHORIZED TO MAKE THE SALE SHALL:**

4   **(1)   RECORD A DEED TRANSFERRING TITLE TO THE PROPERTY TO**
5   **THE PURCHASER; OR**

6   **(2)   IF TITLE HAS NOT BEEN TRANSFERRED, RECORD THE FINAL**
7   **ORDER OF RATIFICATION.**

8   **(B)   A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A**
9   **MISDEMEANOR AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING**
10   **$5,000.**

11   SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12   October 1, 2012.