

HOUSE BILL 861

Q1

7lr2753

By: **Delegates D. Barnes, Ebersole, Fennell, Hornberger, Knotts, Patterson, Pena-Melnyk, Simonaire, Tarlau, and M. Washington**

Introduced and read first time: February 3, 2017

Assigned to: Ways and Means

A BILL ENTITLED

1 AN ACT concerning

2 **Tax Sales – Foreclosure of Right of Redemption – Naming of Defendants**

3 FOR the purpose of establishing requirements for naming of defendants in an action to
4 foreclose the right of redemption on property sold at a tax sale; establishing
5 requirements for filing a certain affidavit in an action to foreclose the right of
6 redemption on property sold at a tax sale; and generally relating to tax sales of
7 property.

8 BY repealing and reenacting, without amendments,

9 Article – Tax – Property

10 Section 14–836(a) and (b)(1)

11 Annotated Code of Maryland

12 (2012 Replacement Volume and 2016 Supplement)

13 BY adding to

14 Article – Tax – Property

15 Section 14–836(b)(8)

16 Annotated Code of Maryland

17 (2012 Replacement Volume and 2016 Supplement)

18 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,

19 That the Laws of Maryland read as follows:

20 **Article – Tax – Property**

21 14–836.

22 (a) The plaintiff in any action to foreclose the right of redemption shall be the
23 holder of the certificate of sale.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (b) (1) Except as otherwise provided in this subsection, the defendants in any
2 action to foreclose the right of redemption shall be:

3 (i) the record title holder of the property as disclosed by a search
4 performed in accordance with generally accepted standards of title examination of the land
5 records of the county, of the records of the register of wills of the county, and of the records
6 of the circuit court for the county;

7 (ii) if the property is subject to a ground rent, the record title holder
8 of the fee-simple title and the owner of the leasehold title as disclosed by a search
9 performed in accordance with generally accepted standards of title examination of the land
10 records of the county, of the records of the register of wills of the county and of the records
11 of the circuit court for the county;

12 (iii) any mortgagee of the property or any assignee of the mortgagee
13 of record, named as such in any unreleased mortgage recorded in the land records of the
14 county;

15 (iv) the trustee under any deed of trust recorded against the property
16 or any holder of a beneficial interest in a deed of trust who files notice of the interest, which
17 notice shall include identification of the deed of trust, the book and page where the deed of
18 trust is recorded, and the address at which the holder may be served with a summons;

19 (v) the county where the property is located; and

20 (vi) if appropriate, the State.

21 **(8) (I) IF AN INDIVIDUAL REQUIRED TO BE NAMED AS A**
22 **DEFENDANT IS DECEASED AND THE PLAINTIFF KNOWS OF A PERSONAL**
23 **REPRESENTATIVE, THE PLAINTIFF SHALL JOIN THE PERSONAL REPRESENTATIVE AS**
24 **A DEFENDANT.**

25 **(II) IF AN INDIVIDUAL REQUIRED TO BE NAMED AS A**
26 **DEFENDANT IS DECEASED, OR IS BELIEVED BY THE PLAINTIFF TO BE DECEASED,**
27 **AND THE PLAINTIFF KNOWS OF NO PERSONAL REPRESENTATIVE, THE PLAINTIFF**
28 **SHALL STATE THOSE FACTS IN AN AFFIDAVIT FILED WITH THE COMPLAINT.**

29 **(III) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER**
30 **SUBPARAGRAPH (II) OF THIS PARAGRAPH THAT AN INDIVIDUAL IS DECEASED, THE**
31 **PLAINTIFF MAY JOIN AS DEFENDANTS “THE TESTATE AND INTESTATE SUCCESSORS**
32 **OF _____ (NAMING THE DECEASED INDIVIDUAL), DECEASED, AND ALL PERSONS**
33 **CLAIMING BY, THROUGH, OR UNDER THE DECEDENT”.**

34 **(IV) IF THE PLAINTIFF STATES IN AN AFFIDAVIT UNDER**
35 **SUBPARAGRAPH (II) OF THIS PARAGRAPH THAT AN INDIVIDUAL IS BELIEVED TO BE**

1 DECEASED, THE PLAINTIFF MAY JOIN THE INDIVIDUAL AS A DEFENDANT, AND MAY
2 ALSO JOIN “THE TESTATE AND INTESTATE SUCCESSORS OF _____ (NAMING THE
3 INDIVIDUAL), BELIEVED TO BE DECEASED, AND ALL PERSONS CLAIMING BY,
4 THROUGH, OR UNDER THE INDIVIDUAL BELIEVED TO BE DECEASED”.

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.