

SENATE BILL 1048

N1

9lr3257

By: **Senator Waldstreicher**

Constitutional Requirements Complied with for Introduction in the last 35 Days of Session

Introduced and read first time: March 11, 2019

Assigned to: Rules

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Recorded Covenants – Substantially Changed Circumstances**

3 FOR the purpose of requiring that a recorded covenant affecting property owned by a
4 certain cemetery company be rendered invalid by substantially changed
5 circumstances if, since the execution of the covenant, a certain period of time has
6 elapsed and a State highway has been constructed on adjoining property; and
7 generally relating to recorded covenants affecting cemetery property.

8 BY adding to

9 Article – Real Property

10 Section 3–113

11 Annotated Code of Maryland

12 (2015 Replacement Volume and 2018 Supplement)

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

14 That the Laws of Maryland read as follows:

15 **Article – Real Property**

16 **3–113.**

17 **A RECORDED COVENANT AFFECTING PROPERTY OWNED BY A CEMETERY**
18 **COMPANY REGULATED UNDER TITLE 5 OF THE BUSINESS REGULATION ARTICLE**
19 **SHALL BE RENDERED INVALID BY SUBSTANTIALLY CHANGED CIRCUMSTANCES IF,**
20 **SINCE THE EXECUTION OF THE COVENANT:**

21 **(1) AT LEAST 100 YEARS HAVE ELAPSED; AND**

22 **(2) A STATE HIGHWAY HAS BEEN CONSTRUCTED ON PROPERTY**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **ADJOINING THE CEMETERY COMPANY'S PROPERTY.**

2 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
3 October 1, 2019.