

# SENATE BILL 92

N1, N2

(PRE-FILED)

2lr0801  
CF HB 777

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By: ~~Senator Augustine~~ **Senators Augustine, Hettleman, Sydnor, and West**

Requested: October 18, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

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Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 3, 2022

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 ~~Maryland Uniform Partition of Heirs Property Act~~  
3 **Real Property – Partition of Property**

4 FOR the purpose of requiring the court in an action to partition real property to determine  
5 ~~whether the property is heirs property for the purpose of partition of the property~~  
6 ~~among certain cotenants and if so, to determine~~ the market value of the property  
7 unless the court makes certain determinations; establishing procedures for the  
8 purchase of interests in ~~heirs~~ **real** property by cotenants, for the partition in kind of  
9 ~~heirs~~ **real** property among cotenants, and for the partition by sale of ~~heirs~~ **real**  
10 property on the open market by a real estate broker licensed in this State; and  
11 generally relating to the partition of ~~heirs~~ **real** property.

12 BY repealing and reenacting, with amendments,  
13 Article – Estates and Trusts  
14 Section 9–107  
15 Annotated Code of Maryland  
16 (2017 Replacement Volume and 2021 Supplement)

17 BY repealing ~~and reenacting, with amendments,~~  
18 Article – Real Property  
19 Section 14–107  
20 Annotated Code of Maryland  
21 (2015 Replacement Volume and 2021 Supplement)

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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 BY adding to  
 2 Article – Real Property  
 3 Section 14–701 through 14–713 to be under the new subtitle “Subtitle 7. ~~Maryland~~  
 4 ~~Uniform Partition of Heirs Property Act~~ Partition of Real Property”  
 5 Annotated Code of Maryland  
 6 (2015 Replacement Volume and 2021 Supplement)

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

9 **Article – Estates and Trusts**

10 9–107.

11 (a) (1) When two or more heirs or legatees are entitled to distribution of  
 12 undivided interests in property of the estate, the personal representative or one or more of  
 13 the heirs or legatees may petition the court before the formal or informal closing of the  
 14 estate, to make partition.

15 (2) After notice to the interested heirs or legatees **AND SUBJECT TO THE**  
 16 **REQUIREMENTS OF TITLE 14, SUBTITLE 7 OF THE REAL PROPERTY ARTICLE**, the  
 17 court shall partition the property in the same manner as provided by law for civil actions  
 18 of partition.

19 (b) The court may direct the personal representative to sell property which cannot  
 20 be partitioned without prejudice to the owners and cannot conveniently be allotted to one  
 21 party.

22 ~~**Article – Real Property**~~

23 ~~14–107.~~

24 (a) ~~(1) [A] SUBJECT TO THE REQUIREMENTS OF SUBTITLE 7 OF THIS~~  
 25 ~~TITLE, A circuit court may decree a partition of any property, either legal or equitable, on~~  
 26 ~~the bill or petition of any joint tenant, tenant in common, parcener, or concurrent owner,~~  
 27 ~~whether claiming by descent or purchase.~~

28 ~~(2) If [it appears that] the property cannot be divided without loss or injury~~  
 29 ~~to the parties [interested], the court may decree its sale and divide the money resulting~~  
 30 ~~from the sale among the parties according to their respective rights.~~

31 ~~(3) The right to a partition or sale includes the right to a partition or sale~~  
 32 ~~of any separate lot or tract of property, and the bill or petition need not pray for a partition~~  
 33 ~~of all the lots or tracts.~~

1       ~~(b) This section applies regardless of whether any party, plaintiff, or defendant is~~  
2 ~~a minor, disabled, or a nonresident.~~

3       ~~(e) (1) A sale and deed made [pursuant to] UNDER an order of the court in the~~  
4 ~~exercise of the power provided in this section is good and sufficient at law to transfer~~  
5 ~~property of the person.~~

6       ~~(2) A deed executed [in exercise of the above power provided in] UNDER~~  
7 ~~this section shall be executed by the person the court appoints for the purpose.~~

8       ~~(d) (1) If any bill or petition is filed under the provisions of this section for the~~  
9 ~~sale of property, any person holding a mortgage, other encumbrance on the property, or an~~  
10 ~~undivided interest in the property may be made a party to the bill, and the property shall~~  
11 ~~be sold free and clear of the mortgage or other encumbrance. [However]~~

12       ~~(2) NOTWITHSTANDING THE REQUIREMENTS OF PARAGRAPH (1) OF~~  
13 ~~THIS SUBSECTION, the rights of a lienor shall be protected in the distribution of the~~  
14 ~~proceeds of the sale.~~

15       ~~**SUBTITLE 7. MARYLAND UNIFORM PARTITION OF HEIRS PROPERTY ACT.**~~

16       ~~**14-701.**~~

17       ~~(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS~~  
18 ~~INDICATED.~~

19       ~~(B) "ASCENDANT" MEANS AN INDIVIDUAL WHO PRECEDES ANOTHER~~  
20 ~~INDIVIDUAL IN LINEAGE, IN THE DIRECT LINE OF ASCENT FROM THE OTHER~~  
21 ~~INDIVIDUAL.~~

22       ~~(C) "COLLATERAL" MEANS AN INDIVIDUAL WHO IS RELATED TO ANOTHER~~  
23 ~~INDIVIDUAL UNDER THE LAW OF INTESTATE SUCCESSION OF THIS STATE BUT WHO~~  
24 ~~IS NOT THE OTHER INDIVIDUAL'S ASCENDANT OR DESCENDANT.~~

25       ~~(D) "DESCENDANT" MEANS AN INDIVIDUAL WHO FOLLOWS ANOTHER~~  
26 ~~INDIVIDUAL IN LINEAGE, IN THE DIRECT LINE OF DESCENT FROM THE OTHER~~  
27 ~~INDIVIDUAL.~~

28       ~~(E) "DETERMINATION OF VALUE" MEANS A COURT ORDER DETERMINING~~  
29 ~~THE FAIR MARKET VALUE OF HEIRS PROPERTY UNDER § 14-705 OR § 14-709 OF THIS~~  
30 ~~SUBTITLE OR ADOPTING THE VALUATION OF THE PROPERTY AGREED TO BY ALL~~  
31 ~~COTENANTS.~~

1       ~~(F) "HEIRS PROPERTY" MEANS REAL PROPERTY HELD IN TENANCY IN~~  
2 ~~COMMON THAT SATISFIES THE FOLLOWING REQUIREMENTS AS OF THE FILING OF A~~  
3 ~~PARTITION ACTION:~~

4           ~~(1) THERE IS NO AGREEMENT IN A RECORD BINDING ALL THE~~  
5 ~~COTENANTS THAT GOVERNS THE PARTITION OF THE PROPERTY;~~

6           ~~(2) ONE OR MORE OF THE COTENANTS ACQUIRED TITLE FROM A~~  
7 ~~RELATIVE, WHETHER LIVING OR DECEASED; AND~~

8           ~~(3) ANY OF THE FOLLOWING APPLIES:~~

9           ~~(I) 20% OR MORE OF THE INTERESTS ARE HELD BY COTENANTS~~  
10 ~~WHO ARE RELATIVES;~~

11           ~~(II) 20% OR MORE OF THE INTERESTS ARE HELD BY AN~~  
12 ~~INDIVIDUAL WHO ACQUIRED TITLE FROM A RELATIVE, WHETHER LIVING OR~~  
13 ~~DECEASED; OR~~

14           ~~(III) 20% OR MORE OF THE COTENANTS ARE RELATIVES.~~

15       ~~(G) "PARTITION BY SALE" MEANS A COURT ORDERED SALE OF THE ENTIRE~~  
16 ~~HEIRS PROPERTY, WHETHER BY AUCTION, SEALED BIDS, OR OPEN MARKET SALE~~  
17 ~~CONDUCTED UNDER § 14-709 OF THIS SUBTITLE.~~

18       ~~(H) "PARTITION IN KIND" MEANS THE DIVISION OF HEIRS PROPERTY INTO~~  
19 ~~PHYSICALLY DISTINCT AND SEPARATELY TITLED PARCELS.~~

20       ~~(I) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE~~  
21 ~~MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS~~  
22 ~~RETRIEVABLE IN PERCEIVABLE FORM.~~

23       ~~(J) "RELATIVE" MEANS AN ASCENDANT, A DESCENDANT, OR A COLLATERAL~~  
24 ~~OR AN INDIVIDUAL OTHERWISE RELATED TO ANOTHER INDIVIDUAL BY BLOOD,~~  
25 ~~MARRIAGE, ADOPTION, OR LAW OF THIS STATE OTHER THAN THIS SUBTITLE.~~

26 ~~14-702.~~

27       ~~(A) (1) IN AN ACTION TO PARTITION REAL PROPERTY UNDER § 14-107 OF~~  
28 ~~THIS TITLE, THE COURT SHALL DETERMINE WHETHER THE PROPERTY IS HEIRS~~  
29 ~~PROPERTY.~~

1           ~~(2) IF THE COURT DETERMINES THAT THE PROPERTY IS HEIRS~~  
2 ~~PROPERTY, THE PROPERTY SHALL BE PARTITIONED UNDER THIS SUBTITLE UNLESS~~  
3 ~~ALL OF THE COTENANTS AGREE OTHERWISE IN A RECORD.~~

4           ~~(B) THIS SUBTITLE SUPPLEMENTS § 14-107 OF THIS TITLE AND, IF AN~~  
5 ~~ACTION IS GOVERNED BY THIS SUBTITLE, REPLACES PROVISIONS OF § 14-107 OF~~  
6 ~~THIS TITLE THAT ARE INCONSISTENT WITH THIS SUBTITLE.~~

7 ~~14-703.~~

8           ~~(A) THIS SUBTITLE DOES NOT LIMIT OR AFFECT THE METHOD BY WHICH~~  
9 ~~SERVICE OF A COMPLAINT IN A PARTITION ACTION MAY BE MADE.~~

10           ~~(B) (1) IF THE PLAINTIFF IN A PARTITION ACTION SEEKS NOTICE BY~~  
11 ~~PUBLICATION AND THE COURT DETERMINES THAT THE PROPERTY MAY BE HEIRS~~  
12 ~~PROPERTY, THE PLAINTIFF, NOT LATER THAN 10 DAYS AFTER THE COURT'S~~  
13 ~~DETERMINATION, SHALL POST AND MAINTAIN WHILE THE ACTION IS PENDING A~~  
14 ~~CONSPICUOUS SIGN ON THE PROPERTY THAT IS THE SUBJECT OF THE ACTION.~~

15           ~~(2) THE SIGN SHALL STATE THAT THE ACTION HAS COMMENCED AND~~  
16 ~~IDENTIFY THE NAME AND ADDRESS OF THE COURT AND THE COMMON DESIGNATION~~  
17 ~~BY WHICH THE PROPERTY IS KNOWN.~~

18           ~~(3) THE COURT MAY REQUIRE THE PLAINTIFF TO PUBLISH ON THE~~  
19 ~~SIGN THE NAME OF THE PLAINTIFF AND THE KNOWN DEFENDANTS.~~

20 ~~14-704.~~

21           ~~IF THE COURT APPOINTS COMMISSIONERS UNDER THE MARYLAND RULES,~~  
22 ~~EACH COMMISSIONER, IN ADDITION TO THE REQUIREMENTS AND~~  
23 ~~DISQUALIFICATIONS APPLICABLE TO COMMISSIONERS UNDER THE MARYLAND~~  
24 ~~RULES, MUST BE DISINTERESTED AND IMPARTIAL AND NOT A PARTY TO OR A~~  
25 ~~PARTICIPANT IN THE ACTION.~~

26 ~~14-705.~~

27           ~~(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C) OF THIS SECTION, IF~~  
28 ~~THE COURT DETERMINES THAT THE PROPERTY THAT IS THE SUBJECT OF A~~  
29 ~~PARTITION ACTION IS HEIRS PROPERTY, THE COURT SHALL DETERMINE THE FAIR~~  
30 ~~MARKET VALUE OF THE PROPERTY BY ORDERING AN APPRAISAL IN ACCORDANCE~~  
31 ~~WITH SUBSECTION (D) OF THIS SECTION.~~

1 ~~(B) IF ALL COTENANTS HAVE AGREED TO THE VALUE OF THE PROPERTY OR~~  
2 ~~TO ANOTHER METHOD OF VALUATION, THE COURT SHALL ADOPT THAT VALUE OR~~  
3 ~~THE VALUE PRODUCED BY THE AGREED METHOD OF VALUATION.~~

4 ~~(C) IF THE COURT DETERMINES THAT THE EVIDENTIARY VALUE OF AN~~  
5 ~~APPRAISAL IS OUTWEIGHED BY THE COST OF THE APPRAISAL, THE COURT, AFTER~~  
6 ~~AN EVIDENTIARY HEARING, SHALL DETERMINE THE FAIR MARKET VALUE OF THE~~  
7 ~~PROPERTY AND SEND NOTICE TO THE PARTIES OF THE VALUE.~~

8 ~~(D) (1) IF THE COURT ORDERS AN APPRAISAL, THE COURT SHALL~~  
9 ~~APPOINT A DISINTERESTED REAL ESTATE APPRAISER LICENSED IN THE STATE TO~~  
10 ~~DETERMINE THE FAIR MARKET VALUE OF THE PROPERTY ASSUMING SOLE~~  
11 ~~OWNERSHIP OF THE FEE SIMPLE ESTATE.~~

12 ~~(2) ON COMPLETION OF THE APPRAISAL, THE APPRAISER SHALL FILE~~  
13 ~~A SWORN OR VERIFIED APPRAISAL WITH THE COURT.~~

14 ~~(E) IF AN APPRAISAL IS CONDUCTED UNDER SUBSECTION (D) OF THIS~~  
15 ~~SECTION, NOT LATER THAN 10 DAYS AFTER THE APPRAISAL IS FILED, THE COURT~~  
16 ~~SHALL SEND NOTICE TO EACH PARTY WITH A KNOWN ADDRESS, STATING:~~

17 ~~(1) THE APPRAISED FAIR MARKET VALUE OF THE PROPERTY;~~

18 ~~(2) THAT THE APPRAISAL IS AVAILABLE AT THE OFFICE OF THE~~  
19 ~~CLERK; AND~~

20 ~~(3) THAT A PARTY MAY FILE WITH THE COURT AN OBJECTION TO THE~~  
21 ~~APPRAISAL NOT LATER THAN 30 DAYS AFTER THE NOTICE IS SENT, STATING THE~~  
22 ~~GROUND FOR THE OBJECTION.~~

23 ~~(F) (1) IF AN APPRAISAL IS FILED WITH THE COURT UNDER SUBSECTION~~  
24 ~~(D) OF THIS SECTION, THE COURT SHALL CONDUCT A HEARING TO DETERMINE THE~~  
25 ~~FAIR MARKET VALUE OF THE PROPERTY NOT SOONER THAN 30 DAYS AFTER A COPY~~  
26 ~~OF THE NOTICE OF THE APPRAISAL IS SENT TO EACH PARTY UNDER SUBSECTION (E)~~  
27 ~~OF THIS SECTION, WHETHER OR NOT AN OBJECTION TO THE APPRAISAL IS FILED~~  
28 ~~UNDER SUBSECTION (E)(3) OF THIS SECTION.~~

29 ~~(2) IN ADDITION TO THE COURT ORDERED APPRAISAL, THE COURT~~  
30 ~~MAY CONSIDER ANY OTHER EVIDENCE OF VALUE OFFERED BY A PARTY.~~

31 ~~(G) AFTER A HEARING UNDER SUBSECTION (F) OF THIS SECTION, BUT~~  
32 ~~BEFORE CONSIDERING THE MERITS OF THE PARTITION ACTION, THE COURT SHALL~~  
33 ~~DETERMINE THE FAIR MARKET VALUE OF THE PROPERTY AND SEND NOTICE TO THE~~  
34 ~~PARTIES OF THE VALUE.~~

1 ~~14-706.~~

2 ~~(A) IF ANY COTENANT REQUESTED PARTITION BY SALE, AFTER THE~~  
3 ~~DETERMINATION OF VALUE UNDER § 14-705 OF THIS SUBTITLE, THE COURT SHALL~~  
4 ~~SEND NOTICE TO THE PARTIES THAT ANY COTENANT, EXCEPT A COTENANT THAT~~  
5 ~~REQUESTED PARTITION BY SALE, MAY BUY ALL THE INTERESTS OF THE COTENANTS~~  
6 ~~THAT REQUESTED PARTITION BY SALE.~~

7 ~~(B) NOT LATER THAN 45 DAYS AFTER THE NOTICE IS SENT UNDER~~  
8 ~~SUBSECTION (A) OF THIS SECTION, ANY COTENANT, EXCEPT A COTENANT THAT~~  
9 ~~REQUESTED PARTITION BY SALE, MAY GIVE NOTICE TO THE COURT THAT THE~~  
10 ~~COTENANT ELECTS TO BUY ALL THE INTERESTS OF THE COTENANTS THAT~~  
11 ~~REQUESTED PARTITION BY SALE.~~

12 ~~(C) THE PURCHASE PRICE FOR EACH OF THE INTERESTS OF A COTENANT~~  
13 ~~THAT REQUESTED PARTITION BY SALE IS THE VALUE OF THE ENTIRE PARCEL~~  
14 ~~DETERMINED UNDER § 14-705 OF THIS SUBTITLE MULTIPLIED BY THE COTENANT'S~~  
15 ~~FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL.~~

16 ~~(D) AFTER EXPIRATION OF THE PERIOD DESCRIBED IN SUBSECTION (B) OF~~  
17 ~~THIS SECTION, THE FOLLOWING RULES APPLY:~~

18 ~~(1) IF ONLY ONE COTENANT ELECTS TO BUY ALL THE INTERESTS OF~~  
19 ~~THE COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT SHALL NOTIFY~~  
20 ~~ALL THE PARTIES;~~

21 ~~(2) IF MORE THAN ONE COTENANT ELECTS TO BUY ALL THE~~  
22 ~~INTERESTS OF THE COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT~~  
23 ~~SHALL:~~

24 ~~(i) ALLOCATE THE RIGHT TO BUY THOSE INTERESTS AMONG~~  
25 ~~THE ELECTING COTENANTS BASED ON EACH ELECTING COTENANT'S EXISTING~~  
26 ~~FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL DIVIDED BY THE TOTAL EXISTING~~  
27 ~~FRACTIONAL OWNERSHIP OF ALL COTENANTS ELECTING TO BUY;~~

28 ~~(ii) NOTIFY ALL THE PARTIES THAT MORE THAN ONE~~  
29 ~~COTENANT ELECTED TO BUY ALL THE INTERESTS OF THE COTENANTS THAT~~  
30 ~~REQUESTED PARTITION BY SALE; AND~~

31 ~~(iii) SEND NOTICE OF THE PRICE TO BE PAID BY EACH ELECTING~~  
32 ~~COTENANT; OR~~

~~(3) IF NO COTENANT ELECTS TO BUY ALL THE INTERESTS OF THE COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT SHALL SEND NOTICE TO ALL THE PARTIES AND RESOLVE THE PARTITION ACTION UNDER § 14-709(A) AND (B) OF THIS SUBTITLE.~~

~~(E) (1) IF THE COURT SENDS NOTICE TO THE PARTIES UNDER SUBSECTION (D)(1) OR (2) OF THIS SECTION, THE COURT SHALL SET A DATE NOT SOONER THAN 60 DAYS AFTER THE DATE THE NOTICE WAS SENT BY WHICH ELECTING COTENANTS MUST PAY THEIR APPORTIONED PRICE INTO THE COURT.~~

~~(2) AFTER THE DATE SET BY THE COURT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE FOLLOWING RULES APPLY:~~

~~(I) IF ALL ELECTING COTENANTS PAY THEIR APPORTIONED PRICE INTO COURT ON TIME, THE COURT SHALL ISSUE AN ORDER REALLOCATING ALL THE INTERESTS OF THE COTENANTS AND DISBURSE THE AMOUNTS HELD BY THE COURT TO THE PERSONS ENTITLED TO THE FUNDS;~~

~~(II) IF NO ELECTING COTENANT PAYS THE COTENANT'S APPORTIONED PRICE ON TIME, THE COURT SHALL RESOLVE THE PARTITION ACTION UNDER § 14-707(A) AND (B) OF THIS SUBTITLE AS IF THE INTERESTS OF THE COTENANTS THAT REQUESTED PARTITION BY SALE WERE NOT PURCHASED; OR~~

~~(III) IF ONE OR MORE BUT NOT ALL OF THE ELECTING COTENANTS FAIL TO PAY THEIR APPORTIONED PRICE ON TIME, THE COURT, ON MOTION, SHALL GIVE NOTICE OF THE INTEREST REMAINING AND THE PRICE FOR THAT INTEREST TO THE ELECTING COTENANTS THAT PAID THEIR APPORTIONED PRICE.~~

~~(F) (1) NOT LATER THAN 20 DAYS AFTER THE COURT GIVES NOTICE UNDER SUBSECTION (E)(2)(III) OF THIS SECTION, ANY COTENANT THAT PAID THE COTENANT'S APPORTIONED PRICE MAY ELECT TO PURCHASE ALL OF THE REMAINING INTEREST BY PAYING THE ENTIRE PRICE INTO THE COURT.~~

~~(2) AFTER THE 20-DAY PERIOD DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION, THE FOLLOWING RULES APPLY:~~

~~(I) IF ONLY ONE COTENANT PAYS THE ENTIRE PRICE FOR THE REMAINING INTEREST, THE COURT SHALL:~~

~~1. ISSUE AN ORDER REALLOCATING THE REMAINING INTEREST TO THAT COTENANT; AND~~



1                                   ~~2.     PROMPTLY ISSUE AN ORDER REALLOCATING THE~~  
2 ~~INTERESTS OF ALL OF THE COTENANTS AND DISBURSE THE AMOUNTS HELD BY THE~~  
3 ~~COURT TO THE PERSONS ENTITLED TO THEM;~~

4                                   ~~(H)   IF NO COTENANT PAYS THE ENTIRE PRICE FOR THE~~  
5 ~~REMAINING INTEREST, THE COURT SHALL RESOLVE THE PARTITION ACTION UNDER~~  
6 ~~§ 14 707(A) AND (B) OF THIS SUBTITLE AS IF THE INTERESTS OF THE COTENANTS~~  
7 ~~THAT REQUESTED PARTITION BY SALE WERE NOT PURCHASED; AND~~

8                                   ~~(H)   IF MORE THAN ONE COTENANT PAYS THE ENTIRE PRICE~~  
9 ~~FOR THE REMAINING INTEREST, THE COURT SHALL:~~

10                                   ~~1.     REAPPORTION THE REMAINING INTEREST AMONG~~  
11 ~~THOSE PAYING COTENANTS, BASED ON EACH PAYING COTENANT'S ORIGINAL~~  
12 ~~FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL DIVIDED BY THE TOTAL ORIGINAL~~  
13 ~~FRACTIONAL OWNERSHIP OF ALL COTENANTS THAT PAID THE ENTIRE PRICE FOR~~  
14 ~~THE REMAINING INTEREST; AND~~

15                                   ~~2.     PROMPTLY ISSUE AN ORDER REALLOCATING ALL OF~~  
16 ~~THE COTENANTS' INTERESTS, DISBURSE THE AMOUNTS HELD BY THE COURT TO THE~~  
17 ~~PERSONS ENTITLED TO THEM, AND REFUND ANY EXCESS PAYMENT HELD BY THE~~  
18 ~~COURT.~~

19                                   ~~(G)   NOT LATER THAN 45 DAYS AFTER THE COURT SENDS NOTICE TO THE~~  
20 ~~PARTIES UNDER SUBSECTION (A) OF THIS SECTION, ANY COTENANT ENTITLED TO~~  
21 ~~BUY AN INTEREST UNDER THIS SECTION MAY REQUEST THE COURT TO AUTHORIZE~~  
22 ~~THE SALE AS PART OF THE PENDING ACTION OF THE INTERESTS OF COTENANTS~~  
23 ~~NAMED AS DEFENDANTS AND SERVED WITH THE COMPLAINT BUT THAT DID NOT~~  
24 ~~APPEAR IN THE ACTION.~~

25                                   ~~(H)   IF THE COURT RECEIVES A TIMELY REQUEST UNDER SUBSECTION (C) OF~~  
26 ~~THIS SECTION, THE COURT, AFTER A HEARING, MAY DENY THE REQUEST OR~~  
27 ~~AUTHORIZE THE REQUESTED ADDITIONAL SALE ON TERMS THE COURT DETERMINES~~  
28 ~~ARE FAIR AND REASONABLE, SUBJECT TO THE FOLLOWING LIMITATIONS:~~

29                                   ~~(1)   A SALE AUTHORIZED UNDER THIS SUBSECTION MAY OCCUR ONLY~~  
30 ~~AFTER THE PURCHASE PRICES FOR ALL INTERESTS SUBJECT TO SALE UNDER~~  
31 ~~SUBSECTIONS (A) THROUGH (F) OF THIS SECTION HAVE BEEN PAID INTO COURT AND~~  
32 ~~THOSE INTERESTS HAVE BEEN REALLOCATED AMONG THE COTENANTS AS~~  
33 ~~PROVIDED IN SUBSECTIONS (A) THROUGH (F) OF THIS SECTION; AND~~

34                                   ~~(2)   THE PURCHASE PRICE FOR THE INTEREST OF A NONAPPEARING~~  
35 ~~COTENANT IS BASED ON THE COURT'S DETERMINATION OF VALUE UNDER § 14 705~~  
36 ~~OF THIS SUBTITLE.~~

1 ~~14-707.~~

2       ~~(A) (1) IF UNDER § 14-706 OF THIS SUBTITLE ALL THE INTERESTS OF ALL~~  
3 ~~COTENANTS THAT REQUESTED PARTITION BY SALE ARE NOT PURCHASED BY OTHER~~  
4 ~~COTENANTS, OR IF AFTER THE CONCLUSION OF THE BUYOUT A COTENANT REMAINS~~  
5 ~~THAT HAS REQUESTED PARTITION IN KIND, THE COURT SHALL ORDER PARTITION IN~~  
6 ~~KIND UNLESS THE COURT, AFTER CONSIDERATION OF THE FACTORS LISTED IN §~~  
7 ~~14-708 OF THIS SUBTITLE, FINDS THAT PARTITION IN KIND WILL RESULT IN GREAT~~  
8 ~~PREJUDICE TO THE COTENANTS AS A GROUP.~~

9       ~~(2) IN CONSIDERING WHETHER TO ORDER PARTITION IN KIND, THE~~  
10 ~~COURT SHALL APPROVE A REQUEST BY TWO OR MORE PARTIES TO HAVE THEIR~~  
11 ~~INDIVIDUAL INTERESTS AGGREGATED.~~

12       ~~(B) IF THE COURT DOES NOT ORDER PARTITION IN KIND UNDER~~  
13 ~~SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ORDER PARTITION BY SALE~~  
14 ~~UNDER § 14-709 OF THIS SUBTITLE OR, IF NO COTENANT REQUESTED PARTITION BY~~  
15 ~~SALE, THE COURT SHALL DISMISS THE ACTION.~~

16       ~~(C) IF THE COURT ORDERS PARTITION IN KIND IN ACCORDANCE WITH~~  
17 ~~SUBSECTION (A) OF THIS SECTION, THE COURT MAY REQUIRE THAT ONE OR MORE~~  
18 ~~COTENANTS PAY ONE OR MORE OTHER COTENANTS AMOUNTS SO THAT THE~~  
19 ~~PAYMENTS, TAKEN TOGETHER WITH THE VALUE OF THE IN-KIND DISTRIBUTIONS TO~~  
20 ~~THE COTENANTS, WILL MAKE THE PARTITION IN KIND JUST AND PROPORTIONATE~~  
21 ~~IN VALUE TO THE FRACTIONAL INTERESTS HELD.~~

22       ~~(D) IF THE COURT ORDERS PARTITION IN KIND, THE COURT SHALL~~  
23 ~~ALLOCATE TO THE COTENANTS THAT ARE UNKNOWN, UNLOCATABLE, OR THE~~  
24 ~~SUBJECT OF A DEFAULT JUDGMENT, IF THEIR INTERESTS WERE NOT BOUGHT OUT~~  
25 ~~UNDER § 14-706 OF THIS SUBTITLE, A PART OF THE PROPERTY REPRESENTING THE~~  
26 ~~COMBINED INTERESTS OF THESE COTENANTS AS DETERMINED BY THE COURT AND~~  
27 ~~THIS PART OF THE PROPERTY SHALL REMAIN UNDIVIDED.~~

28 ~~14-708.~~

29       ~~(A) IN DETERMINING WHETHER PARTITION IN KIND UNDER § 14-707(A) OF~~  
30 ~~THIS SUBTITLE WOULD RESULT IN GREAT PREJUDICE TO THE COTENANTS AS A~~  
31 ~~GROUP, THE COURT SHALL CONSIDER THE FOLLOWING:~~

32       ~~(1) WHETHER THE HEIRS PROPERTY PRACTICABLY CAN BE DIVIDED~~  
33 ~~AMONG THE COTENANTS;~~

1           ~~(2) WHETHER PARTITION IN KIND WOULD APPORTION THE~~  
2 ~~PROPERTY IN SUCH A WAY THAT THE AGGREGATE FAIR MARKET VALUE OF THE~~  
3 ~~PARCELS RESULTING FROM THE DIVISION WOULD BE MATERIALLY LESS THAN THE~~  
4 ~~VALUE OF THE PROPERTY IF IT WERE SOLD AS A WHOLE, TAKING INTO ACCOUNT THE~~  
5 ~~CONDITION UNDER WHICH A COURT ORDERED SALE LIKELY WOULD OCCUR;~~

6           ~~(3) EVIDENCE OF THE COLLECTIVE DURATION OF OWNERSHIP OR~~  
7 ~~POSSESSION OF THE PROPERTY BY A COTENANT AND ONE OR MORE PREDECESSORS~~  
8 ~~IN TITLE OR PREDECESSORS IN POSSESSION TO THE COTENANT WHO ARE OR WERE~~  
9 ~~RELATIVES OF THE COTENANT OR EACH OTHER;~~

10           ~~(4) THE SENTIMENTAL ATTACHMENT OF A COTENANT TO THE~~  
11 ~~PROPERTY, INCLUDING ANY ATTACHMENT ARISING BECAUSE THE PROPERTY HAS~~  
12 ~~ANCESTRAL OR OTHER UNIQUE OR SPECIAL VALUE TO THE COTENANT;~~

13           ~~(5) THE LAWFUL USE BEING MADE OF THE PROPERTY BY A COTENANT~~  
14 ~~AND THE DEGREE TO WHICH THE COTENANT WOULD BE HARMED IF THE COTENANT~~  
15 ~~COULD NOT CONTINUE THE SAME USE OF THE PROPERTY;~~

16           ~~(6) THE DEGREE TO WHICH THE COTENANTS HAVE CONTRIBUTED~~  
17 ~~THEIR PRO RATA SHARE OF THE PROPERTY TAXES, INSURANCE, AND OTHER~~  
18 ~~EXPENSES ASSOCIATED WITH MAINTAINING OWNERSHIP OF THE PROPERTY OR~~  
19 ~~HAVE CONTRIBUTED TO THE PHYSICAL IMPROVEMENT, MAINTENANCE, OR UPKEEP~~  
20 ~~OF THE PROPERTY; AND~~

21           ~~(7) ANY OTHER RELEVANT FACTOR.~~

22           ~~(B) THE COURT MAY NOT CONSIDER ANY ONE FACTOR IN SUBSECTION (A)~~  
23 ~~OF THIS SECTION TO BE DISPOSITIVE WITHOUT WEIGHING THE TOTALITY OF ALL~~  
24 ~~RELEVANT FACTORS AND CIRCUMSTANCES.~~

25 ~~14-709.~~

26           ~~(A) IF THE COURT ORDERS A SALE OF HEIRS PROPERTY, THE SALE SHALL~~  
27 ~~BE AN OPEN MARKET SALE UNLESS THE COURT FINDS THAT A SALE BY SEALED BIDS~~  
28 ~~OR AN AUCTION WOULD BE MORE ECONOMICALLY ADVANTAGEOUS AND IN THE BEST~~  
29 ~~INTEREST OF THE COTENANTS AS A GROUP.~~

30           ~~(B) (1) IF THE COURT ORDERS AN OPEN MARKET SALE AND THE~~  
31 ~~PARTIES, NOT LATER THAN 10 DAYS AFTER THE ENTRY OF THE ORDER, AGREE ON A~~  
32 ~~REAL ESTATE BROKER LICENSED IN THE STATE TO OFFER THE PROPERTY FOR SALE,~~  
33 ~~THE COURT SHALL APPOINT THE BROKER AND ESTABLISH A REASONABLE~~  
34 ~~COMMISSION.~~

1           ~~(2) IF THE PARTIES DO NOT AGREE ON A BROKER, THE COURT SHALL~~  
2 ~~APPOINT A DISINTERESTED REAL ESTATE BROKER LICENSED IN THE STATE TO~~  
3 ~~OFFER THE PROPERTY FOR SALE AND SHALL ESTABLISH A REASONABLE~~  
4 ~~COMMISSION.~~

5           ~~(3) A BROKER APPOINTED UNDER THIS SUBSECTION SHALL OFFER~~  
6 ~~THE PROPERTY FOR SALE IN A COMMERCIALY REASONABLE MANNER AT A PRICE~~  
7 ~~NOT LOWER THAN THE DETERMINATION OF VALUE AND ON THE TERMS AND~~  
8 ~~CONDITIONS ESTABLISHED BY THE COURT.~~

9           ~~(C) IF THE BROKER APPOINTED UNDER SUBSECTION (B) OF THIS SECTION~~  
10 ~~OBTAINS WITHIN A REASONABLE TIME AN OFFER TO PURCHASE THE PROPERTY FOR~~  
11 ~~AT LEAST THE DETERMINATION OF VALUE:~~

12           ~~(1) THE BROKER SHALL COMPLY WITH THE REPORTING~~  
13 ~~REQUIREMENTS IN § 14-710 OF THIS SUBTITLE; AND~~

14           ~~(2) THE SALE MAY BE COMPLETED IN ACCORDANCE WITH STATE LAW~~  
15 ~~OTHER THAN THIS SUBTITLE.~~

16           ~~(D) IF THE BROKER APPOINTED UNDER SUBSECTION (B) OF THIS SECTION~~  
17 ~~DOES NOT OBTAIN WITHIN A REASONABLE TIME AN OFFER TO PURCHASE THE~~  
18 ~~PROPERTY FOR AT LEAST THE DETERMINATION OF VALUE, THE COURT, AFTER~~  
19 ~~HEARING, MAY:~~

20           ~~(1) APPROVE THE HIGHEST OUTSTANDING OFFER, IF ANY;~~

21           ~~(2) REDETERMINE THE VALUE OF THE PROPERTY AND ORDER THAT~~  
22 ~~THE PROPERTY CONTINUE TO BE OFFERED FOR AN ADDITIONAL TIME; OR~~

23           ~~(3) ORDER THAT THE PROPERTY BE SOLD BY SEALED BIDS OR AT AN~~  
24 ~~AUCTION.~~

25           ~~(E) (1) IF THE COURT ORDERS A SALE BY SEALED BIDS OR AN AUCTION,~~  
26 ~~THE COURT SHALL SET TERMS AND CONDITIONS OF THE SALE.~~

27           ~~(2) IF THE COURT ORDERS AN AUCTION, THE AUCTION SHALL BE~~  
28 ~~CONDUCTED UNDER § 14-107 OF THIS TITLE.~~

29           ~~(F) IF A PURCHASER IS ENTITLED TO A SHARE OF THE PROCEEDS OF THE~~  
30 ~~SALE, THE PURCHASER IS ALSO ENTITLED TO A CREDIT AGAINST THE PRICE IN AN~~  
31 ~~AMOUNT EQUAL TO THE PURCHASER'S SHARE OF THE PROCEEDS.~~

32 ~~14-710.~~

1 ~~(A) UNLESS REQUIRED TO DO SO WITHIN A SHORTER PERIOD OF TIME~~  
2 ~~UNDER § 14-107 OF THIS TITLE, A BROKER APPOINTED UNDER § 14-709(B) OF THIS~~  
3 ~~SUBTITLE TO OFFER HEIRS PROPERTY FOR OPEN MARKET SALE SHALL FILE A~~  
4 ~~REPORT WITH THE COURT NOT LATER THAN 7 DAYS AFTER RECEIVING AN OFFER TO~~  
5 ~~PURCHASE THE PROPERTY FOR AT LEAST THE VALUE DETERMINED UNDER § 14-705~~  
6 ~~OR § 14-709 OF THIS SUBTITLE.~~

7 ~~(B) A REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL~~  
8 ~~CONTAIN THE FOLLOWING INFORMATION:~~

9 ~~(1) A DESCRIPTION OF THE PROPERTY TO BE SOLD TO EACH BUYER;~~

10 ~~(2) THE NAME OF EACH BUYER;~~

11 ~~(3) THE PROPOSED PURCHASE PRICE;~~

12 ~~(4) THE TERMS AND CONDITIONS OF THE PROPOSED SALE,~~  
13 ~~INCLUDING THE TERMS OF ANY OWNER FINANCING;~~

14 ~~(5) THE AMOUNTS TO BE PAID TO LIENHOLDERS;~~

15 ~~(6) A STATEMENT OF CONTRACTUAL OR OTHER ARRANGEMENTS OR~~  
16 ~~CONDITIONS OF THE BROKER'S COMMISSION; AND~~

17 ~~(7) OTHER MATERIAL FACTS RELEVANT TO THE SALE.~~

18 ~~14-711.~~

19 ~~IN APPLYING AND CONSTRUING THIS SUBTITLE, WHICH IS A UNIFORM ACT,~~  
20 ~~CONSIDERATION SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE~~  
21 ~~LAW WITH RESPECT TO THE SUBJECT MATTER OF THE LAW AMONG THE STATES~~  
22 ~~THAT ENACT IT.~~

23 ~~14-712.~~

24 ~~THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE ELECTRONIC~~  
25 ~~SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. § 7001 ET SEQ.,~~  
26 ~~BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE § 101(C) OF THAT ACT, 15 U.S.C. §~~  
27 ~~7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES~~  
28 ~~DESCRIBED IN § 103(B) OF THAT ACT, 15 U.S.C. § 7003(B).~~

29 ~~14-713.~~

~~THIS SUBTITLE MAY BE CITED AS THE MARYLAND UNIFORM PARTITION OF HEIRS PROPERTY ACT.~~

Article – Real Property

[14–107.

(a) A circuit court may decree a partition of any property, either legal or equitable, on the bill or petition of any joint tenant, tenant in common, parcener, or concurrent owner, whether claiming by descent or purchase. If it appears that the property cannot be divided without loss or injury to the parties interested, the court may decree its sale and divide the money resulting from the sale among the parties according to their respective rights. The right to a partition or sale includes the right to a partition or sale of any separate lot or tract of property, and the bill or petition need not pray for a partition of all the lots or tracts.

(b) This section applies regardless of whether any party, plaintiff, or defendant is a minor, disabled, or a nonresident.

(c) A sale and deed made pursuant to an order of the court in the exercise of the power provided in this section is good and sufficient at law to transfer property of the person. A deed executed in exercise of the above power provided in this section shall be executed by the person the court appoints for the purpose.

(d) If any bill or petition is filed under the provisions of this section for the sale of property, any person holding a mortgage, other encumbrance on the property, or an undivided interest in the property may be made a party to the bill, and the property shall be sold free and clear of the mortgage or other encumbrance. However, the rights of a lienor shall be protected in the distribution of the proceeds of the sale.]

SUBTITLE 7. PARTITION OF REAL PROPERTY.

14–701.

(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) “DETERMINATION OF VALUE” MEANS A COURT ORDER DETERMINING THE FAIR MARKET VALUE OF PROPERTY UNDER § 14–707 OR § 14–711 OF THIS SUBTITLE OR ADOPTING THE VALUATION OF PROPERTY AGREED TO BY ALL COTENANTS.

(C) “PARTITION BY SALE” MEANS A COURT–ORDERED SALE OF PROPERTY, WHETHER BY AUCTION, SEALED BIDS, OR OPEN–MARKET SALE CONDUCTED UNDER § 14–711 OF THIS SUBTITLE.

1        (D) "PARTITION IN KIND" MEANS THE DIVISION OF PROPERTY INTO  
2 PHYSICALLY DISTINCT AND SEPARATELY TITLED PARCELS.

3        (E) "RECORD" MEANS INFORMATION THAT IS INSCRIBED ON A TANGIBLE  
4 MEDIUM OR THAT IS STORED IN AN ELECTRONIC OR OTHER MEDIUM AND IS  
5 RETRIEVABLE IN PERCEIVABLE FORM.

6 14-702.

7        (A) REAL PROPERTY SHALL BE PARTITIONED UNDER THIS SUBTITLE  
8 UNLESS ALL OF THE COTENANTS AGREE OTHERWISE IN A RECORD.

9        (B) THE MARYLAND RULES APPLY TO ACTIONS UNDER THIS SUBTITLE,  
10 EXCEPT TO THE EXTENT THEY ARE INCONSISTENT WITH THE PROVISIONS OF THIS  
11 SUBTITLE.

12 14-703.

13        IN AN ACTION UNDER THIS SUBTITLE, THE COURT ON ITS OWN MOTION OR ON  
14 MOTION OF ANY PARTY MAY ISSUE AN ORDER:

15            (1) FOR THE APPOINTMENT OF AN ATTORNEY TO PROTECT THE  
16 INTEREST OF ANY PARTY TO THE SAME EXTENT AND EFFECT AS PROVIDED UNDER  
17 RULE 2-203 OF THE MARYLAND RULES WITH RESPECT TO INDIVIDUALS NOT IN  
18 BEING;

19            (2) TO REQUIRE JOINDER OF ANY ADDITIONAL PARTIES THAT ARE  
20 NECESSARY OR PROPER; AND

21            (3) TO REQUIRE THAT THE PLAINTIFF:

22                    (I) PROCURE A TITLE REPORT SUPPORTED BY AN AFFIDAVIT  
23 BY THE PERSON MAKING THE TITLE SEARCH THAT A COMPLETE SEARCH OF THE  
24 PUBLIC RECORDS HAS BEEN PERFORMED IN ACCORDANCE WITH GENERALLY  
25 ACCEPTED STANDARDS OF TITLE EXAMINATION FOR THE APPROPRIATE PERIOD AS  
26 DETERMINED BY THE COURT, BUT NOT LESS THAN 60 YEARS; AND

27                    (II) DESIGNATE A PLACE WHERE THE TITLE REPORT SHALL BE  
28 KEPT FOR INSPECTION, USE, AND COPYING BY THE PARTIES.

29 14-704.

30        IN ADDITION TO ANY PERSONS REQUIRED TO BE NAMED AS DEFENDANTS IN  
31 AN ACTION UNDER THIS SUBTITLE, THE PLAINTIFF MAY NAME AS DEFENDANTS ALL

1 PERSONS UNKNOWN, CLAIMING ANY LEGAL OR EQUITABLE RIGHT, TITLE, ESTATE,  
2 LIEN, OR INTEREST IN THE PROPERTY DESCRIBED IN THE COMPLAINT ADVERSE TO  
3 THE PLAINTIFF'S TITLE, OR ANY CLOUD ON THE PLAINTIFF'S TITLE TO THE  
4 PROPERTY.

5 14-705.

6 (A) (1) IF, ON AFFIDAVIT OF THE PLAINTIFF, IT APPEARS TO THE  
7 SATISFACTION OF THE COURT THAT THE PLAINTIFF HAS USED REASONABLE  
8 DILIGENCE TO ASCERTAIN THE IDENTITY AND RESIDENCE OF AND TO SERVE A  
9 SUMMONS ON THE PERSONS NAMED AS UNKNOWN DEFENDANTS AND PERSONS  
10 JOINED AS TESTATE OR INTESTATE SUCCESSORS OF A PERSON KNOWN OR BELIEVED  
11 TO BE DEAD, THE COURT SHALL ORDER SERVICE BY PUBLICATION IN ACCORDANCE  
12 WITH RULE 2-122 OF THE MARYLAND RULES AND THE PROVISIONS OF THIS  
13 SUBTITLE.

14 (2) THE ORDER SHALL DIRECT THAT A COPY OF THE SUMMONS, THE  
15 COMPLAINT, AND THE ORDER FOR PUBLICATION BE MAILED IMMEDIATELY TO THE  
16 PARTY IF THE PARTY'S ADDRESS IS ASCERTAINED BEFORE EXPIRATION OF THE TIME  
17 PRESCRIBED FOR PUBLICATION OF THE SUMMONS.

18 (B) THIS SECTION DOES NOT AUTHORIZE SERVICE BY PUBLICATION ON ANY  
19 PERSON NAMED AS AN UNKNOWN DEFENDANT WHO IS IN OPEN AND ACTUAL  
20 POSSESSION OF THE PROPERTY.

21 14-706.

22 (A) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PLAINTIFF  
23 SHALL:

24 (1) POST, NOT LATER THAN 10 DAYS AFTER THE DATE THE ORDER IS  
25 ISSUED, A COPY OF THE SUMMONS AND COMPLAINT IN A CONSPICUOUS PLACE ON  
26 THE PROPERTY THAT IS THE SUBJECT OF THE ACTION; AND

27 (2) FILE PROOF THAT THE SUMMONS HAS BEEN SERVED, POSTED,  
28 AND PUBLISHED AS REQUIRED IN THE ORDER.

29 (B) IF THE COURT ORDERS SERVICE BY PUBLICATION, THE PUBLICATION  
30 SHALL USE THE LEGAL DESCRIPTION OF THE PROPERTY ALONG WITH ITS STREET  
31 ADDRESS, OR OTHER COMMON DESIGNATION, IF ANY.

32 14-707.



1       **(A) EXCEPT AS PROVIDED IN SUBSECTIONS (B) THROUGH (D) OF THIS**  
2 **SECTION, THE COURT SHALL DETERMINE THE FAIR MARKET VALUE OF THE**  
3 **PROPERTY BY ORDERING AN APPRAISAL IN ACCORDANCE WITH SUBSECTION (E) OF**  
4 **THIS SECTION.**

5       **(B) THE COURT MAY ACCEPT A PREVIOUSLY COMPLETED APPRAISAL FILED**  
6 **WITH THE COURT AS EVIDENCE OF VALUE PROVIDED THAT:**

7           **(1) THE APPRAISAL IS DATED NOT EARLIER THAN 6 MONTHS BEFORE**  
8 **THE FILING OF THE PARTITION ACTION;**

9           **(2) THE APPRAISAL WAS COMPLETED BY A DISINTERESTED REAL**  
10 **ESTATE APPRAISER LICENSED IN THE STATE; AND**

11           **(3) NO PARTY OBJECTS TO THE APPRAISED VALUE.**

12       **(C) IF ALL COTENANTS HAVE AGREED TO THE VALUE OF THE PROPERTY OR**  
13 **TO ANOTHER METHOD OF VALUATION, THE COURT SHALL ADOPT THAT VALUE OR**  
14 **THE VALUE PRODUCED BY THE AGREED METHOD OF VALUATION.**

15       **(D) IF THE COURT DETERMINES THAT THE EVIDENTIARY VALUE OF AN**  
16 **APPRAISAL IS OUTWEIGHED BY THE COST OF THE APPRAISAL AND NO PREVIOUSLY**  
17 **COMPLETED APPRAISAL WAS FILED UNDER SUBSECTION (B) OF THIS SECTION, THE**  
18 **COURT, AFTER AN EVIDENTIARY HEARING, SHALL DETERMINE THE FAIR MARKET**  
19 **VALUE OF THE PROPERTY AND SEND NOTICE TO THE PARTIES OF THE VALUE.**

20       **(E) (1) IF THE COURT ORDERS AN APPRAISAL UNDER SUBSECTION (A) OF**  
21 **THIS SECTION, THE COURT SHALL APPOINT A DISINTERESTED REAL ESTATE**  
22 **APPRAISER LICENSED IN THE STATE TO DETERMINE THE FAIR MARKET VALUE OF**  
23 **THE PROPERTY ASSUMING SOLE OWNERSHIP OF THE FEE SIMPLE ESTATE.**

24           **(2) ON COMPLETION OF THE APPRAISAL, THE APPRAISER SHALL FILE**  
25 **A SWORN OR VERIFIED APPRAISAL WITH THE COURT.**

26       **(F) IF AN APPRAISAL IS CONDUCTED UNDER SUBSECTION (A) OF THIS**  
27 **SECTION OR FILED WITH THE COURT UNDER SUBSECTION (B) OF THIS SECTION, NOT**  
28 **LATER THAN 10 DAYS AFTER THE APPRAISAL IS FILED, THE COURT SHALL SEND**  
29 **NOTICE TO EACH PARTY WITH A KNOWN ADDRESS, STATING:**

30           **(1) THE APPRAISED FAIR MARKET VALUE OF THE PROPERTY;**

31           **(2) THAT THE APPRAISAL IS AVAILABLE AT THE OFFICE OF THE**  
32 **CLERK; AND**

1           **(3) THAT A PARTY MAY FILE WITH THE COURT AN OBJECTION TO THE**  
2 **APPRAISAL NOT LATER THAN 30 DAYS AFTER THE NOTICE IS SENT, STATING THE**  
3 **GROUND FOR THE OBJECTION.**

4           **(G) (1) IF AN APPRAISAL IS FILED WITH THE COURT UNDER SUBSECTION**  
5 **(E) OF THIS SECTION, THE COURT SHALL CONDUCT A HEARING TO DETERMINE THE**  
6 **FAIR MARKET VALUE OF THE PROPERTY NOT SOONER THAN 30 DAYS AFTER A COPY**  
7 **OF THE NOTICE OF THE APPRAISAL IS SENT TO EACH PARTY UNDER SUBSECTION (F)**  
8 **OF THIS SECTION, WHETHER OR NOT AN OBJECTION TO THE APPRAISAL IS FILED**  
9 **UNDER SUBSECTION (F)(3) OF THIS SECTION.**

10           **(2) IN ADDITION TO AN APPRAISAL DESCRIBED UNDER SUBSECTION**  
11 **(A) OR (B) OF THIS SECTION, THE COURT MAY CONSIDER ANY OTHER EVIDENCE OF**  
12 **VALUE OFFERED BY A PARTY.**

13           **(H) AFTER A HEARING UNDER SUBSECTION (G) OF THIS SECTION, BUT**  
14 **BEFORE CONSIDERING THE MERITS OF THE PARTITION ACTION, THE COURT SHALL**  
15 **DETERMINE THE FAIR MARKET VALUE OF THE PROPERTY AND SEND NOTICE TO THE**  
16 **PARTIES OF THE VALUE.**

17 **14-708.**

18           **(A) IF ANY COTENANT REQUESTED PARTITION BY SALE, AFTER THE**  
19 **DETERMINATION OF VALUE UNDER § 14-707 OF THIS SUBTITLE, THE COURT SHALL**  
20 **SEND NOTICE TO THE PARTIES THAT ANY COTENANT, EXCEPT A COTENANT THAT**  
21 **REQUESTED PARTITION BY SALE, MAY BUY ALL THE INTERESTS OF THE COTENANTS**  
22 **THAT REQUESTED PARTITION BY SALE.**

23           **(B) NOT LATER THAN 45 DAYS AFTER THE NOTICE IS SENT UNDER**  
24 **SUBSECTION (A) OF THIS SECTION, ANY COTENANT, EXCEPT A COTENANT THAT**  
25 **REQUESTED PARTITION BY SALE, MAY GIVE NOTICE TO THE COURT THAT THE**  
26 **COTENANT ELECTS TO BUY ALL THE INTERESTS OF THE COTENANTS THAT**  
27 **REQUESTED PARTITION BY SALE.**

28           **(C) THE PURCHASE PRICE FOR EACH OF THE INTERESTS OF A COTENANT**  
29 **THAT REQUESTED PARTITION BY SALE IS THE VALUE OF THE ENTIRE PARCEL**  
30 **DETERMINED UNDER § 14-707 OF THIS SUBTITLE MULTIPLIED BY THE COTENANT'S**  
31 **FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL.**

32           **(D) AFTER EXPIRATION OF THE PERIOD DESCRIBED IN SUBSECTION (B) OF**  
33 **THIS SECTION, THE FOLLOWING RULES APPLY:**

1           **(1) IF ONLY ONE COTENANT ELECTS TO BUY ALL THE INTERESTS OF**  
2 **THE COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT SHALL NOTIFY**  
3 **ALL THE PARTIES;**

4           **(2) IF MORE THAN ONE COTENANT ELECTS TO BUY ALL THE**  
5 **INTERESTS OF THE COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT**  
6 **SHALL:**

7           **(i) ALLOCATE THE RIGHT TO BUY THOSE INTERESTS AMONG**  
8 **THE ELECTING COTENANTS BASED ON EACH ELECTING COTENANT'S EXISTING**  
9 **FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL DIVIDED BY THE TOTAL EXISTING**  
10 **FRACTIONAL OWNERSHIP OF ALL COTENANTS ELECTING TO BUY;**

11           **(ii) NOTIFY ALL THE PARTIES THAT MORE THAN ONE**  
12 **COTENANT ELECTED TO BUY ALL THE INTERESTS OF THE COTENANTS THAT**  
13 **REQUESTED PARTITION BY SALE; AND**

14           **(iii) SEND NOTICE OF THE PRICE TO BE PAID BY EACH ELECTING**  
15 **COTENANT; OR**

16           **(3) IF NO COTENANT ELECTS TO BUY ALL THE INTERESTS OF THE**  
17 **COTENANTS THAT REQUESTED PARTITION BY SALE, THE COURT SHALL SEND**  
18 **NOTICE TO ALL THE PARTIES AND RESOLVE THE PARTITION ACTION UNDER §**  
19 **14-711(A) AND (B) OF THIS SUBTITLE.**

20           **(E) (1) IF THE COURT SENDS NOTICE TO THE PARTIES UNDER**  
21 **SUBSECTION (D)(1) OR (2) OF THIS SECTION, THE COURT SHALL SET A DATE NOT**  
22 **SOONER THAN 60 DAYS AFTER THE DATE THE NOTICE WAS SENT BY WHICH**  
23 **ELECTING COTENANTS MUST PAY THEIR APPORTIONED PRICE INTO THE COURT.**

24           **(2) AFTER THE DATE SET BY THE COURT UNDER PARAGRAPH (1) OF**  
25 **THIS SUBSECTION, THE FOLLOWING RULES APPLY:**

26           **(i) IF ALL ELECTING COTENANTS PAY THEIR APPORTIONED**  
27 **PRICE INTO COURT ON TIME, THE COURT SHALL ISSUE AN ORDER REALLOCATING**  
28 **ALL THE INTERESTS OF THE COTENANTS AND DISBURSE THE AMOUNTS HELD BY THE**  
29 **COURT TO THE PERSONS ENTITLED TO THE FUNDS;**

30           **(ii) IF NO ELECTING COTENANT PAYS THE COTENANT'S**  
31 **APPORTIONED PRICE ON TIME, THE COURT SHALL RESOLVE THE PARTITION ACTION**  
32 **UNDER § 14-709(A) AND (B) OF THIS SUBTITLE AS IF THE INTERESTS OF THE**  
33 **COTENANTS THAT REQUESTED PARTITION BY SALE WERE NOT PURCHASED; OR**

1                   (III) IF ONE OR MORE BUT NOT ALL OF THE ELECTING  
2 COTENANTS FAIL TO PAY THEIR APPORTIONED PRICE ON TIME, THE COURT, ON  
3 MOTION, SHALL GIVE NOTICE OF THE INTEREST REMAINING AND THE PRICE FOR  
4 THAT INTEREST TO THE ELECTING COTENANTS THAT PAID THEIR APPORTIONED  
5 PRICE.

6           (F) (1) NOT LATER THAN 20 DAYS AFTER THE COURT GIVES NOTICE  
7 UNDER SUBSECTION (E)(2)(III) OF THIS SECTION, ANY COTENANT THAT PAID THE  
8 COTENANT'S APPORTIONED PRICE MAY ELECT TO PURCHASE ALL OF THE  
9 REMAINING INTEREST BY PAYING THE ENTIRE PRICE INTO THE COURT.

10                   (2) AFTER THE 20-DAY PERIOD DESCRIBED IN PARAGRAPH (1) OF  
11 THIS SUBSECTION, THE FOLLOWING RULES APPLY:

12                   (I) IF ONLY ONE COTENANT PAYS THE ENTIRE PRICE FOR THE  
13 REMAINING INTEREST, THE COURT SHALL:

14                           1. ISSUE AN ORDER REALLOCATING THE REMAINING  
15 INTEREST TO THAT COTENANT; AND

16                           2. PROMPTLY ISSUE AN ORDER REALLOCATING THE  
17 INTERESTS OF ALL OF THE COTENANTS AND DISBURSE THE AMOUNTS HELD BY THE  
18 COURT TO THE PERSONS ENTITLED TO THEM;

19                   (II) IF NO COTENANT PAYS THE ENTIRE PRICE FOR THE  
20 REMAINING INTEREST, THE COURT SHALL RESOLVE THE PARTITION ACTION UNDER  
21 § 14-709(A) AND (B) OF THIS SUBTITLE AS IF THE INTERESTS OF THE COTENANTS  
22 THAT REQUESTED PARTITION BY SALE WERE NOT PURCHASED; AND

23                   (III) IF MORE THAN ONE COTENANT PAYS THE ENTIRE PRICE  
24 FOR THE REMAINING INTEREST, THE COURT SHALL:

25                           1. REAPPORTION THE REMAINING INTEREST AMONG  
26 THOSE PAYING COTENANTS, BASED ON EACH PAYING COTENANT'S ORIGINAL  
27 FRACTIONAL OWNERSHIP OF THE ENTIRE PARCEL DIVIDED BY THE TOTAL ORIGINAL  
28 FRACTIONAL OWNERSHIP OF ALL COTENANTS THAT PAID THE ENTIRE PRICE FOR  
29 THE REMAINING INTEREST; AND

30                           2. PROMPTLY ISSUE AN ORDER REALLOCATING ALL OF  
31 THE COTENANTS' INTERESTS, DISBURSE THE AMOUNTS HELD BY THE COURT TO THE  
32 PERSONS ENTITLED TO THEM, AND REFUND ANY EXCESS PAYMENT HELD BY THE  
33 COURT.

1        (G) NOT LATER THAN 45 DAYS AFTER THE COURT SENDS NOTICE TO THE  
2 PARTIES UNDER SUBSECTION (A) OF THIS SECTION, ANY COTENANT ENTITLED TO  
3 BUY AN INTEREST UNDER THIS SECTION MAY REQUEST THE COURT TO AUTHORIZE  
4 THE SALE AS PART OF THE PENDING ACTION OF THE INTERESTS OF COTENANTS  
5 NAMED AS DEFENDANTS AND SERVED WITH THE COMPLAINT BUT THAT DID NOT  
6 APPEAR IN THE ACTION.

7        (H) IF THE COURT RECEIVES A TIMELY REQUEST UNDER SUBSECTION (G) OF  
8 THIS SECTION, THE COURT, AFTER A HEARING, MAY DENY THE REQUEST OR  
9 AUTHORIZE THE REQUESTED ADDITIONAL SALE ON TERMS THE COURT DETERMINES  
10 ARE FAIR AND REASONABLE, SUBJECT TO THE FOLLOWING LIMITATIONS:

11        (1) A SALE AUTHORIZED UNDER THIS SUBSECTION MAY OCCUR ONLY  
12 AFTER THE PURCHASE PRICES FOR ALL INTERESTS SUBJECT TO SALE UNDER  
13 SUBSECTIONS (A) THROUGH (F) OF THIS SECTION HAVE BEEN PAID INTO COURT AND  
14 THOSE INTERESTS HAVE BEEN REALLOCATED AMONG THE COTENANTS AS  
15 PROVIDED IN SUBSECTIONS (A) THROUGH (F) OF THIS SECTION; AND

16        (2) THE PURCHASE PRICE FOR THE INTEREST OF A NONAPPEARING  
17 COTENANT IS BASED ON THE COURT'S DETERMINATION OF VALUE UNDER § 14-707  
18 OF THIS SUBTITLE.

19 14-709.

20        (A) (1) IF UNDER § 14-708 OF THIS SUBTITLE ALL THE INTERESTS OF ALL  
21 COTENANTS THAT REQUESTED PARTITION BY SALE ARE NOT PURCHASED BY OTHER  
22 COTENANTS, OR IF AFTER THE CONCLUSION OF THE BUYOUT A COTENANT REMAINS  
23 THAT HAS REQUESTED PARTITION IN KIND, THE COURT SHALL ORDER PARTITION IN  
24 KIND UNLESS THE COURT, AFTER CONSIDERATION OF THE FACTORS LISTED IN §  
25 14-710 OF THIS SUBTITLE, FINDS THAT PARTITION IN KIND WILL RESULT IN GREAT  
26 PREJUDICE TO THE COTENANTS AS A GROUP.

27        (2) IN CONSIDERING WHETHER TO ORDER PARTITION IN KIND, THE  
28 COURT SHALL APPROVE A REQUEST BY TWO OR MORE PARTIES TO HAVE THEIR  
29 INDIVIDUAL INTERESTS AGGREGATED.

30        (B) IF THE COURT DOES NOT ORDER PARTITION IN KIND UNDER  
31 SUBSECTION (A) OF THIS SECTION, THE COURT SHALL ORDER PARTITION BY SALE  
32 UNDER § 14-711 OF THIS SUBTITLE OR, IF NO COTENANT REQUESTED PARTITION BY  
33 SALE, THE COURT SHALL DISMISS THE ACTION.

34        (C) IF THE COURT ORDERS PARTITION IN KIND IN ACCORDANCE WITH  
35 SUBSECTION (A) OF THIS SECTION, THE COURT MAY REQUIRE THAT ONE OR MORE  
36 COTENANTS PAY ONE OR MORE OTHER COTENANTS AMOUNTS SO THAT THE

1 PAYMENTS, TAKEN TOGETHER WITH THE VALUE OF THE IN-KIND DISTRIBUTIONS TO  
2 THE COTENANTS, WILL MAKE THE PARTITION IN KIND JUST AND PROPORTIONATE  
3 IN VALUE TO THE FRACTIONAL INTERESTS HELD.

4 (D) IF THE COURT ORDERS PARTITION IN KIND, THE COURT SHALL  
5 ALLOCATE TO THE COTENANTS THAT ARE UNKNOWN, UNLOCATABLE, OR THE  
6 SUBJECT OF A DEFAULT JUDGMENT, IF THEIR INTERESTS WERE NOT BOUGHT OUT  
7 UNDER § 14-708 OF THIS SUBTITLE, A PART OF THE PROPERTY REPRESENTING THE  
8 COMBINED INTERESTS OF THESE COTENANTS AS DETERMINED BY THE COURT AND  
9 THIS PART OF THE PROPERTY SHALL REMAIN UNDIVIDED.

10 14-710.

11 (A) IN DETERMINING WHETHER PARTITION IN KIND UNDER § 14-709(A) OF  
12 THIS SUBTITLE WOULD RESULT IN GREAT PREJUDICE TO THE COTENANTS AS A  
13 GROUP, THE COURT SHALL CONSIDER THE FOLLOWING:

14 (1) WHETHER THE PROPERTY PRACTICABLY CAN BE DIVIDED AMONG  
15 THE COTENANTS;

16 (2) WHETHER PARTITION IN KIND WOULD APPORTION THE  
17 PROPERTY IN SUCH A WAY THAT THE AGGREGATE FAIR MARKET VALUE OF THE  
18 PARCELS RESULTING FROM THE DIVISION WOULD BE MATERIALLY LESS THAN THE  
19 VALUE OF THE PROPERTY IF IT WERE SOLD AS A WHOLE, TAKING INTO ACCOUNT THE  
20 CONDITION UNDER WHICH A COURT-ORDERED SALE LIKELY WOULD OCCUR;

21 (3) EVIDENCE OF THE COLLECTIVE DURATION OF OWNERSHIP OR  
22 POSSESSION OF THE PROPERTY BY A COTENANT AND ONE OR MORE PREDECESSORS  
23 IN TITLE OR PREDECESSORS IN POSSESSION TO THE COTENANT WHO ARE OR WERE  
24 RELATIVES OF THE COTENANT OR EACH OTHER;

25 (4) THE SENTIMENTAL ATTACHMENT OF A COTENANT TO THE  
26 PROPERTY, INCLUDING ANY ATTACHMENT ARISING BECAUSE THE PROPERTY HAS  
27 ANCESTRAL OR OTHER UNIQUE OR SPECIAL VALUE TO THE COTENANT;

28 (5) THE LAWFUL USE BEING MADE OF THE PROPERTY BY A COTENANT  
29 AND THE DEGREE TO WHICH THE COTENANT WOULD BE HARMED IF THE COTENANT  
30 COULD NOT CONTINUE THE SAME USE OF THE PROPERTY;

31 (6) THE DEGREE TO WHICH THE COTENANTS HAVE CONTRIBUTED  
32 THEIR PRO RATA SHARE OF THE PROPERTY TAXES, INSURANCE, AND OTHER  
33 EXPENSES ASSOCIATED WITH MAINTAINING OWNERSHIP OF THE PROPERTY OR  
34 HAVE CONTRIBUTED TO THE PHYSICAL IMPROVEMENT, MAINTENANCE, OR UPKEEP  
35 OF THE PROPERTY; AND

1           **(7) ANY OTHER RELEVANT FACTOR.**

2           **(B) THE COURT MAY NOT CONSIDER ANY ONE FACTOR IN SUBSECTION (A)**  
3 **OF THIS SECTION TO BE DISPOSITIVE WITHOUT WEIGHING THE TOTALITY OF ALL**  
4 **RELEVANT FACTORS AND CIRCUMSTANCES.**

5 **14-711.**

6           **(A) IF THE COURT ORDERS A SALE OF PROPERTY, THE SALE SHALL BE AN**  
7 **OPEN-MARKET SALE UNLESS THE COURT FINDS THAT A SALE BY SEALED BIDS OR AN**  
8 **AUCTION WOULD BE MORE ECONOMICALLY ADVANTAGEOUS AND IN THE BEST**  
9 **INTEREST OF THE COTENANTS AS A GROUP.**

10           **(B) (1) IF THE COURT ORDERS AN OPEN-MARKET SALE AND THE**  
11 **PARTIES, NOT LATER THAN 10 DAYS AFTER THE ENTRY OF THE ORDER, AGREE ON A**  
12 **REAL ESTATE BROKER LICENSED IN THE STATE TO OFFER THE PROPERTY FOR SALE,**  
13 **THE COURT SHALL APPOINT THE BROKER AND ESTABLISH A REASONABLE**  
14 **COMMISSION.**

15           **(2) IF THE PARTIES DO NOT AGREE ON A BROKER, THE COURT SHALL**  
16 **APPOINT A DISINTERESTED REAL ESTATE BROKER LICENSED IN THE STATE TO**  
17 **OFFER THE PROPERTY FOR SALE AND SHALL ESTABLISH A REASONABLE**  
18 **COMMISSION.**

19           **(3) A BROKER APPOINTED UNDER THIS SUBSECTION SHALL OFFER**  
20 **THE PROPERTY FOR SALE IN A COMMERCIALY REASONABLE MANNER AT A PRICE**  
21 **NOT LOWER THAN THE DETERMINATION OF VALUE AND ON THE TERMS AND**  
22 **CONDITIONS ESTABLISHED BY THE COURT.**

23           **(C) IF THE BROKER APPOINTED UNDER SUBSECTION (B) OF THIS SECTION**  
24 **OBTAINS WITHIN A REASONABLE TIME AN OFFER TO PURCHASE THE PROPERTY FOR**  
25 **AT LEAST THE DETERMINATION OF VALUE:**

26           **(1) THE BROKER SHALL COMPLY WITH THE REPORTING**  
27 **REQUIREMENTS IN § 14-712 OF THIS SUBTITLE; AND**

28           **(2) THE SALE MAY BE COMPLETED IN ACCORDANCE WITH STATE LAW**  
29 **OTHER THAN THIS SUBTITLE.**

30           **(D) IF THE BROKER APPOINTED UNDER SUBSECTION (B) OF THIS SECTION**  
31 **DOES NOT OBTAIN WITHIN A REASONABLE TIME AN OFFER TO PURCHASE THE**  
32 **PROPERTY FOR AT LEAST THE DETERMINATION OF VALUE, THE COURT, AFTER**  
33 **HEARING, MAY:**

1           **(1) APPROVE THE HIGHEST OUTSTANDING OFFER, IF ANY;**

2           **(2) REDETERMINE THE VALUE OF THE PROPERTY AND ORDER THAT**  
3 **THE PROPERTY CONTINUE TO BE OFFERED FOR AN ADDITIONAL TIME; OR**

4           **(3) ORDER THAT THE PROPERTY BE SOLD BY SEALED BIDS OR AT AN**  
5 **AUCTION.**

6           **(E) IF THE COURT ORDERS A SALE BY SEALED BIDS OR AN AUCTION, THE**  
7 **COURT SHALL SET TERMS AND CONDITIONS OF THE SALE.**

8           **(F) IF A PURCHASER IS ENTITLED TO A SHARE OF THE PROCEEDS OF THE**  
9 **SALE, THE PURCHASER IS ALSO ENTITLED TO A CREDIT AGAINST THE PRICE IN AN**  
10 **AMOUNT EQUAL TO THE PURCHASER'S SHARE OF THE PROCEEDS.**

11 **14-712.**

12           **(A) A BROKER APPOINTED UNDER § 14-711(B) OF THIS SUBTITLE TO OFFER**  
13 **PROPERTY FOR OPEN-MARKET SALE SHALL FILE A REPORT WITH THE COURT NOT**  
14 **LATER THAN 7 DAYS AFTER RECEIVING AN OFFER TO PURCHASE THE PROPERTY FOR**  
15 **AT LEAST THE VALUE DETERMINED UNDER § 14-707 OR § 14-711 OF THIS SUBTITLE.**

16           **(B) A REPORT REQUIRED UNDER SUBSECTION (A) OF THIS SECTION SHALL**  
17 **CONTAIN THE FOLLOWING INFORMATION:**

18           **(1) A DESCRIPTION OF THE PROPERTY TO BE SOLD TO EACH BUYER;**

19           **(2) THE NAME OF EACH BUYER;**

20           **(3) THE PROPOSED PURCHASE PRICE;**

21           **(4) THE TERMS AND CONDITIONS OF THE PROPOSED SALE,**  
22 **INCLUDING THE TERMS OF ANY OWNER FINANCING;**

23           **(5) THE AMOUNTS TO BE PAID TO LIENHOLDERS;**

24           **(6) A STATEMENT OF CONTRACTUAL OR OTHER ARRANGEMENTS OR**  
25 **CONDITIONS OF THE BROKER'S COMMISSION; AND**

26           **(7) OTHER MATERIAL FACTS RELEVANT TO THE SALE.**

27 **14-713.**



1        THIS SUBTITLE MODIFIES, LIMITS, AND SUPERSEDES THE ELECTRONIC  
 2 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. § 7001 ET SEQ.,  
 3 BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE § 101(C) OF THAT ACT, 15 U.S.C. §  
 4 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF ANY OF THE NOTICES  
 5 DESCRIBED IN § 103(B) OF THAT ACT, 15 U.S.C. § 7003(B).

6        SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to  
 7 apply only prospectively and may not be applied or interpreted to have any effect on or  
 8 application to any partition action filed before the effective date of this Act.

9        SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 10 October 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.