

SENATE BILL 156

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2lr1189

(PRE-FILED)

By: **Senator Sydnor**

Requested: November 1, 2021

Introduced and read first time: January 12, 2022

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Civil Actions – Specialties – Statute of Limitations**

3 FOR the purpose of altering and expanding the scope of civil actions for certain specialties
4 that must be filed within a certain statute of limitations period; and generally
5 relating to civil actions for specialties.

6 BY repealing and reenacting, with amendments,
7 Article – Courts and Judicial Proceedings
8 Section 5–102
9 Annotated Code of Maryland
10 (2020 Replacement Volume and 2021 Supplement)

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

13 **Article – Courts and Judicial Proceedings**

14 5–102.

15 (a) An action on, **RELATED TO, OR CONCERNING** one of the following specialties
16 shall be filed within 12 years after the cause of action accrues, or within 12 years from the
17 date of the death of the last to die of the principal debtor or creditor, whichever is sooner:

18 (1) Promissory note or other instrument under seal;

19 (2) Bond except a public officer's bond;

20 (3) Judgment;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



- 1 (4) Recognizance;
- 2 (5) Contract under seal; or
- 3 (6) Any other specialty.

4 (b) A payment of principal or interest on a specialty suspends the operation of
5 this section as to the specialty for three years after the date of payment.

6 (c) This section does not apply to:

7 (1) A specialty taken for the use of the State; or

8 (2) A deed of trust, mortgage, or promissory note that has been signed
9 under seal and secures or is secured by owner-occupied residential property, as defined in
10 § 7-105.1 of the Real Property Article.

11 SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General
12 Assembly that this Act shall:

13 (1) be applied and interpreted to abrogate the holding of the Court of
14 Appeals in *Cain v. Midland Funding, LLC.*, 38-2020 (Md. Aug. 4, 2021), which held that
15 the 12-year statute of limitations under § 5-102(a)(3) of the Courts Article is intended to
16 apply to an action to enforce judgment and therefore only applies to judgment creditors and
17 not to judgment debtors; and

18 (2) apply the statute of limitations for an action to enforce judgment under
19 § 5-102(a)(3) of the Courts Article, as enacted by Section 1 of this Act, to both parties to the
20 judgment.

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