

HOUSE BILL 1439

N1
HB 1312/25 – ENT & JUD

6lr0961

By: **Delegates Reilly, Anderson, Arentz, Baker, Beauchamp, Ciliberti, Griffith, Hornberger, Hutchinson, McComas, T. Morgan, Rose, Tomlinson, and Valentine**

Introduced and read first time: February 13, 2026
Assigned to: Economic Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 9, 2026

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Partition of Property – Liens and Purchase Price Adjustments**

3 FOR the purpose of requiring a party to a partition action to timely notify the court of the
4 type and amount of each outstanding lien on the property if the plaintiff is not
5 required to procure a title report; altering the calculation of the purchase price for
6 the interest of a cotenant; requiring the court to adjust the purchase price for the
7 interest of a cotenant based on certain costs and certain income from the property;
8 and generally relating to liens, purchase price adjustments, and the partition of real
9 property.

10 BY repealing and reenacting, without amendments,
11 Article – Real Property
12 Section 14–701(a) and (c) and 14–708(a)
13 Annotated Code of Maryland
14 (2023 Replacement Volume and 2025 Supplement)

15 BY repealing and reenacting, with amendments,
16 Article – Real Property
17 Section 14–703 and 14–708(b) and (c)
18 Annotated Code of Maryland
19 (2023 Replacement Volume and 2025 Supplement)

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

3 **Article – Real Property**

4 14–701.

5 (a) In this subtitle the following words have the meanings indicated.

6 (c) “Partition by sale” means a court–ordered sale of property, whether by
7 auction, sealed bids, or open–market sale conducted under § 14–711 of this subtitle.

8 14–703.

9 (A) In an action under this subtitle, the court on its own motion or on motion of
10 any party may issue an order:

11 (1) For the appointment of an attorney to protect the interest of any party
12 to the same extent and effect as provided under Rule 2–203 of the Maryland Rules with
13 respect to individuals not in being;

14 (2) To require joinder of any additional parties that are necessary or
15 proper; and

16 (3) To require that the plaintiff:

17 (i) Procure a title report supported by an affidavit by the person
18 making the title search that a complete search of the public records has been performed in
19 accordance with generally accepted standards of title examination for the appropriate
20 period as determined by the court, but not less than 60 years; and

21 (ii) Designate a place where the title report shall be kept for
22 inspection, use, and copying by the parties.

23 **(B) (1) IF A PLAINTIFF IS NOT REQUIRED TO PROCURE A TITLE REPORT**
24 **IN ACCORDANCE WITH SUBSECTION (A)(3) OF THIS SECTION, EACH PARTY SHALL**
25 **TIMELY NOTIFY THE COURT OF THE TYPE AND AMOUNT OF EACH OUTSTANDING LIEN**
26 **ON THE PROPERTY THAT THE PARTY KNOWS OR SHOULD KNOW OF, INCLUDING ANY**
27 **MORTGAGE, DEED OF TRUST, TAX LIEN, AND JUDGMENT LIEN.**

28 **(2) THE NOTICE TO THE COURT UNDER THIS SUBSECTION SHALL**
29 **INCLUDE SUPPORTING DOCUMENTATION FOR EACH OUTSTANDING LIEN ON THE**
30 **PROPERTY AND THE AMOUNT OWED.**

31 14–708.

1 (a) If any cotenant requested partition by sale, after the determination of value
2 under § 14–707 of this subtitle, the court shall send notice to the parties that any cotenant,
3 except a cotenant that requested partition by sale, may buy all the interests of the cotenants
4 that requested partition by sale.

5 (b) (1) Not later than 45 days after the notice is sent under subsection (a) of
6 this section, any cotenant[, except a] **MAY:**

7 (I) **IF THE** cotenant [that requested] **DID NOT REQUEST** partition
8 by sale, [may] give notice to the court that the cotenant elects to buy all the interests of the
9 cotenants that requested partition by sale; **AND**

10 (II) **REQUEST THAT THE COURT ADJUST THE PURCHASE PRICE**
11 **IN ACCORDANCE WITH SUBSECTION (C)(2)(I) OF THIS SECTION.**

12 (2) **TO THE EXTENT POSSIBLE, A COTENANT REQUESTING AN**
13 **ADJUSTMENT TO THE PURCHASE PRICE BY THE COURT IN ACCORDANCE WITH**
14 **SUBSECTION (C)(2)(I) OF THIS SECTION SHALL INCLUDE SUPPORTING**
15 **DOCUMENTATION WITH THE REQUEST.**

16 (c) (1) [The] **SUBJECT TO AN ADJUSTMENT BY THE COURT IN**
17 **ACCORDANCE WITH PARAGRAPH (2) OF THIS SUBSECTION, THE** purchase price for
18 each of the interests of a cotenant that requested partition by sale is the **PRODUCT OF:**

19 (I) **THE** value of the entire parcel determined under § 14–707 of this
20 subtitle [multiplied by the] **MINUS THE TOTAL AMOUNT OF EACH OUTSTANDING LIEN**
21 **ON THE PROPERTY, IF ANY, INCLUDING A MORTGAGE, DEED OF TRUST, TAX LIEN,**
22 **AND JUDGMENT LIEN; AND**

23 (II) **THE** cotenant's fractional ownership of the entire parcel.

24 (2) (I) **SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**
25 **COURT SHALL ADJUST THE PURCHASE PRICE CALCULATED UNDER PARAGRAPH (1)**
26 **OF THIS SUBSECTION IF THE COURT DETERMINES THAT A COTENANT HAS, ~~WITHOUT~~**
27 **~~EQUITABLE DISTRIBUTION TO OTHER COTENANTS:~~**

28 1. ~~INCURRED~~ **WITHOUT EQUITABLE CONTRIBUTION BY**
29 **OTHER COTENANTS, INCURRED** NECESSARY COSTS, SUCH AS PROPERTY TAXES,
30 **MORTGAGE PAYMENTS, HOMEOWNERS INSURANCE, OR REQUIRED MAINTENANCE;**
31 **OR**

32 2. ~~EARNED~~ **WITHOUT EQUITABLE DISTRIBUTION TO**
33 **OTHER COTENANTS, EARNED** INCOME ATTRIBUTABLE TO THE PROPERTY, SUCH AS
34 **RENTAL INCOME.**

1 (II) BEFORE MAKING A FINAL DETERMINATION OF THE
2 ADJUSTED PURCHASE PRICE, THE COURT SHALL:

3 1. NOTIFY ALL COTENANTS OF THE ADJUSTED
4 PURCHASE PRICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND

5 2. ON REQUEST OF ANY COTENANT, HOLD A HEARING TO
6 ALLOW ALL COTENANTS TO PRESENT ADDITIONAL EVIDENCE OF NECESSARY COSTS
7 OR INCOME EARNED FROM THE PROPERTY FOR THE COURT TO CONSIDER.

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

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2026.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.