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TO: House of Delegates – Economic Matters Committee

FROM: Real Property Section of the MSBA

RE: HB 1439 – Real Property - Partition of Property - Liens and Purchase Price Adjustments

Hearing Date: March 12, 2026

POSITION: Informational

DATE: March 10, 2026

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The Real Property Section of the MSBA offers comments to HB 1439 – Real Property - Partition of Property - Liens and Purchase Price Adjustments. Please consider these comments in your deliberations.

This bill requires, among other things, a party to a partition action to timely notify the court of the type and amount of each outstanding lien on the property if the plaintiff does not procure a title report and alters the calculation of the purchase price for the interest of a cotenant by subtracting the amount of outstanding liens owed on the property from the value of the entire parcel.

We believe the following amendments are necessary to carry out the intent of the bill.

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18 (2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE

19 COURT SHALL ADJUST THE PURCHASE PRICE CALCULATED UNDER  
PARAGRAPH (1)

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**Marisa A. Trasatti**  
President

**Natasha Dartigue**  
President-Elect

**Randolph S. Sergent**  
Secretary

**Natasha M. Nazareth**  
Treasurer

**Anna S. Sholl**  
Executive Director

20 OF THIS SUBSECTION IF THE COURT DETERMINES THAT A COTENANT HAS;  
WITHOUT

21 ~~EQUITABLE DISTRIBUTION TO OTHER COTENANTS:~~

22 1. WITHOUT EQUITABLE CONTRIBUTION BY OTHER COTENANTS,  
INCURRED NECESSARY COSTS, SUCH AS PROPERTY

23 TAXES, HOMEOWNERS INSURANCE, OR REQUIRED MAINTENANCE; OR

24 2. WITHOUT EQUITABLE DISTRIBUTION TO OTHER COTENANTS, EARNED  
INCOME ATTRIBUTABLE TO THE PROPERTY,

25 SUCH AS RENTAL INCOME.

Thank you for your consideration. Please contact Bill O'Connell at [bill.oconnell@fnf.com](mailto:bill.oconnell@fnf.com) or 410-992-2324 if you have any questions or need further assistance.