

HON. STACY A. MAYER
CIRCUIT COURT
JUDGE
BALTIMORE COUNTY
CHAIR

HON. RICHARD SANDY
CIRCUIT COURT
JUDGE
FREDERICK COUNTY
VICE-CHAIR



KELLEY O'CONNOR
ASSISTANT STATE COURT
ADMINISTRATOR
GOVERNMENT RELATIONS
AND PUBLIC AFFAIRS
P: (410) 260-1560

MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

MEMORANDUM

TO: House Economic Matters Committee
FROM: Legislative Committee
Suzanne D. Pelz, Esq.
410-260-1523
RE: House Bill 1439
Real Property – Partition of Property – Liens and Purchase Price
Adjustments
DATE: March 4, 2026
(3/12)

INFORMATIONAL COMMENT PAPER

The Judiciary respects the separation of powers doctrine and acknowledges the policy-making authority of the legislative branch. As such, the Judiciary has no position on the policy aims of this legislation.

The Judiciary only writes to note the following two provisions. First, the bill provides on page 3, lines 18 through 21, that the court shall adjust the purchase price if the court determines that a cotenant has incurred necessary costs or earned certain income without equitable distribution to other cotenants. It is unclear if this language was intended to provide that the cotenant incurred necessary costs or earned certain income without “equitable **contribution**” rather than “equitable **distribution**.” Further, this provision does not include mortgage payments in the list of necessary costs the court may consider when determining whether to adjust the purchase price.

cc. Hon. Kim Ross
Judicial Council
Legislative Committee
Kelley O'Connor