

Senate Legislative Stmt. 2026 HB1439.pdf

Uploaded by: Anthony DiPaula

Position: FAV

I am an atty with over 40 years of practice who has handled dozens of partition cases. I was here last year on HB 1312

I am in favor of the proposed changes the Real Property Code sections regarding Partition Actions, and wish to offer my observations of some practical hurdles that have been encountered under the new law.

HB 1439 addresses two of the issues we have encountered in every day application.

As originally enacted, the law did not consider existing liens on the property to arrive at an equity amount a defendant must pay to buyout the plaintiffs. It was just the fair marked value multiplied by the percentage of ownership being acquired. Thus, a property worth \$500,000 with a \$400,000 mortgage still required one 50% owner to deposit and pay \$250,000 for the other owner's 50% interest, when really he should only pay \$50,000, one-half of the equity.

The new amendment also allows the court to consider expenses paid or rental income received by a cotenant and make adjustments between the parties for either moneys paid or moneys received.

Some judges were allowing for this even without these provisions, but others were applying the language of the code.

THESE ARE GOOD CHANGES, AND MAYBE NEXT YEAR WE CAN ADDRESS OTHER ISSUES WITH PRACTICAL APPLICATION AS WELL

1. THE DIFFICULTY FOR THE PURCHASING COTENANT TO FUND A BUYOUT, SINCE THEY ARE UNABLE TO USE THE PROPERTY AS COLLATERAL.
2. A PLAINTIFF CANNOT BUYOUT A DEFENDANT, ONLY VICE VERSA
WHAT REMEDY IS THERE FOR AN OWNER THAT WANTS TO KEEP A PROPERTY BUT WANTS RID OF A CO-OWNER THAT IS UNCOOPERATIVE AND PAYS NOTHING AND DOESN'T WANT TO SELL??? HE CANNOT FILE AND FORCIBLY BUY HIM OUT.

I thank Delegate Reilly for submitting this bill at my request and support its passage.

Anthony J. DiPaula, Esq.
DiPaula law
34 S. Main St.
Bel Air, MD 21014

HB1439 Senate Testimony 4-1-26.pdf

Uploaded by: Teresa Reilly

Position: FAV

TERESA E. REILLY
Legislative District 35A
Cecil and Harford Counties

DEPUTY MINORITY WHIP

Health Committee

Subcommittees

Health Occupations

Maternal, Infant, and Child Health

Public Health and
Minority Health Disparities

Rules and Executive
Nominations Committee

Chair

Harford County House Delegation



The Maryland House of Delegates
6 Bladen Street, Room 325
Annapolis, Maryland 21401
410-841-3278
800-492-7122 Ext. 3278
Teresa.Reilly@house.maryland.gov

THE MARYLAND HOUSE OF DELEGATES
ANNAPOLIS, MARYLAND 21401

HB 1439 - Real Property – Petition of Property – Liens and Purchase Price Adjustments

Chair Smith, Vice Chair Waldstreicher, and esteemed Members of the Judicial Proceedings Committee:

HB 1439 will facilitate transparency for cotenants in a court-ordered sale of property. If the plaintiff does not procure a title report, each party must provide timely disclosure of the type and amount of any outstanding liens.

The bill also ensures that purchase prices reflect the true net value of the property by accounting for outstanding liens and authorizing courts to equitably adjust prices based on documented costs and income.

I respectfully request a FAVORABLE report from the Committee. HB 1439 advances equity and accountability in partition actions by ensuring all financial obligations tied to a property are disclosed and fairly allocated. Prior to the court's ruling on the partition of property.

Sincerely,

A handwritten signature in black ink, appearing to read "Teresa Reilly".

Delegate Teresa Reilly

District 35A

Cecil and Harford Counties