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TO: House of Delegates – Judiciary Committee

FROM: Real Property Section of the MSBA

RE: HB 426 -- Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings

Hearing Date: February 11, 2026

POSITION: Support with Amendments

DATE: January 29, 2026

The Real Property Section of the MSBA **supports with amendments** HB 426 -- Petition for Guardianship of the Property of Alleged Disabled Person - Stay of Civil Actions and Proceedings.

It seems reasonable to provide a mechanism to allow courts to stay property actions against alleged disabled persons to allow for the temporary or permanent appointment of a guardian for such person. In that spirit, we offer the following suggested amendments to the bill.

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16 (B) A PARTY TO THE GUARDIANSHIP OF THE PROPERTY OF AN ALLEGED

17 DISABLED PERSON REQUESTING THE STAY OF AN ACTION UNDER
SUBSECTION (A)

18 OF THIS SECTION SHALL:

19 (1) PROVIDE NOTICE OF THE PETITION AND REQUEST TO ALL

Marisa A. Trasatti
President

Natasha Dartigue
President-Elect

Randolph S. Sergent
Secretary

Natasha M. Nazareth
Treasurer

Anna S. Sholl
Executive Director

20 PARTIES TO ~~THAT~~ THE ACTION FOR WHICH THE STAY IS SOUGHT; AND

21 (2) NOTIFY A COURT GRANTING A STAY UNDER THIS SECTION AND

22 ANY PARTY TO ~~THE~~ THAT ACTION WITHIN 90 DAYS OF FILING THE
PETITION OF:

23 (I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT

24 GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON; OR

25 (II) THE DENIAL, DISMISSAL, OR WITHDRAWAL OF THE

26 PETITION.

27 (C) (1) A STAY UNDER SUBSECTION (A) OF THIS SECTION MAY REMAIN IN

28 EFFECT FOR NOT MORE THAN 90 DAYS AFTER THE FILING OF THE PETITION.

29 (2) THE ~~COURT SHALL LIFT A~~ STAY UNDER SUBSECTION (A) OF THIS

30 SECTION SHALL AUTOMATICALLY BE LIFTED ON:

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1 (I) THE APPOINTMENT OF A TEMPORARY OR PERMANENT

2 GUARDIAN OF THE PROPERTY OF THE DISABLED PERSON, WHICHEVER OCCURS

3 FIRST; OR

4 (II) THE DENIAL OF THE PETITION.

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