

# 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

---

## A BILL ENTITLED

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)

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

### Article – Real Property

22  
23 14–701.

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

2 (c) "Partition by sale" means a court-ordered sale of property, whether by  
3 auction, sealed bids, or open-market sale conducted under § 14-711 of this subtitle.

4 14-703.

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

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

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

12 (3) To require that the plaintiff:

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

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

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

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

27 14-708.

28 (a) If any cotenant requested partition by sale, after the determination of value  
29 under § 14-707 of this subtitle, the court shall send notice to the parties that any cotenant,  
30 except a cotenant that requested partition by sale, may buy all the interests of the cotenants  
31 that requested partition by sale.

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

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

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

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

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

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

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

18           **(2) (I) SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE**  
19 **COURT SHALL ADJUST THE PURCHASE PRICE CALCULATED UNDER PARAGRAPH (1)**  
20 **OF THIS SUBSECTION IF THE COURT DETERMINES THAT A COTENANT HAS, WITHOUT**  
21 **EQUITABLE DISTRIBUTION TO OTHER COTENANTS:**

22                   1. **INCURRED NECESSARY COSTS, SUCH AS PROPERTY**  
23 **TAXES, HOMEOWNERS INSURANCE, OR REQUIRED MAINTENANCE; OR**

24                   2. **EARNED INCOME ATTRIBUTABLE TO THE PROPERTY,**  
25 **SUCH AS RENTAL INCOME.**

26           **(II) BEFORE MAKING A FINAL DETERMINATION OF THE**  
27 **ADJUSTED PURCHASE PRICE, THE COURT SHALL:**

28                   1. **NOTIFY ALL COTENANTS OF THE ADJUSTED**  
29 **PURCHASE PRICE UNDER SUBPARAGRAPH (I) OF THIS PARAGRAPH; AND**

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

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

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