

HOUSE BILL 628

N1

3lr2024

By: **Delegates Norman, Niemann, Healey, Holmes, Jacobs, S. Robinson, and Stein**

Introduced and read first time: February 1, 2013

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 12, 2013

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Maryland Contract Lien Act – Monetary Judgments**

3 FOR the purpose of clarifying that the party entitled to enforce a lien on property
4 under the Maryland Contract Lien Act may bring suit, without waiving the lien,
5 for a monetary judgment for the lien amount, plus costs and attorney's fees,
6 without foreclosing on the property subject to the lien, or if the property subject
7 to the lien has been foreclosed, may maintain suit in the foreclosure proceeding
8 or bring a separate suit for a monetary judgment for any deficiency amount,
9 plus costs and attorney's fees under certain circumstances; and generally
10 relating to monetary judgments under the Maryland Contract Lien Act.

11 BY repealing and reenacting, with amendments,
12 Article – Real Property
13 Section 14–204
14 Annotated Code of Maryland
15 (2010 Replacement Volume and 2012 Supplement)

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

18 **Article – Real Property**

19 14–204.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (a) A lien may be enforced and foreclosed by the party who obtained the lien
 2 in the same manner, and subject to the same requirements, as the foreclosure of
 3 mortgages or deeds of trust on property in this State containing a power of sale or an
 4 assent to a decree.

5 (b) If the owner of property subject to a lien is personally liable for alleged
 6 damages, [suit for any deficiency following foreclosure may be maintained in the same
 7 proceeding, and suit for a monetary judgment for unpaid damages may be maintained
 8 without waiving any lien securing the same] **THE PARTY ENTITLED TO ENFORCE**
 9 **THE LIEN:**

10 **(1) MAY BRING SUIT, WITHOUT WAIVING THE LIEN, FOR A**
 11 **MONETARY JUDGMENT FOR THE LIEN AMOUNT, PLUS COSTS AND ATTORNEY'S**
 12 **FEES, WITHOUT FORECLOSING ON THE PROPERTY SUBJECT TO THE LIEN; OR**

13 **(2) IF THE PROPERTY SUBJECT TO THE LIEN HAS BEEN**
 14 **FORECLOSED, MAY:**

15 **(I) MAINTAIN SUIT IN THE FORECLOSURE PROCEEDING**
 16 **FOR A MONETARY JUDGMENT FOR ANY DEFICIENCY AMOUNT, PLUS COSTS AND**
 17 **ATTORNEY'S FEES; OR**

18 **(II) BRING A SEPARATE SUIT FOR A MONETARY JUDGMENT**
 19 **FOR ANY DEFICIENCY AMOUNT, PLUS COSTS AND ATTORNEY'S FEES.**

20 (c) Any action to foreclose a lien shall be brought within 12 years following
 21 recordation of the statement of lien.

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 23 October 1, 2013.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.