

# SENATE BILL 472

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2lr1746  
CF HB 402

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By: **Senator Edwards**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs and Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 13, 2012

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Environment – Dormant Mineral Interests – Termination by Court Order**  
3 **Requirements**

4 FOR the purpose of requiring a court order that terminates a certain dormant mineral  
5 interest to identify certain information; requiring a clerk of the court that issued  
6 a certain order to record the order in the land records; and generally relating to  
7 the termination of dormant mineral interests.

8 BY repealing and reenacting, without amendments,  
9 Article – Environment  
10 Section 15–1201  
11 Annotated Code of Maryland  
12 (2007 Replacement Volume and 2011 Supplement)

13 BY repealing and reenacting, with amendments,  
14 Article – Environment  
15 Section 15–1203(d)  
16 Annotated Code of Maryland  
17 (2007 Replacement Volume and 2011 Supplement)

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

20 **Article – Environment**

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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 15-1201.

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

3 (b) "Mineral interest" means an interest in a mineral estate, however created  
4 and regardless of form, whether absolute or fractional, divided or undivided, corporeal  
5 or incorporeal, including a fee simple or any lesser interest or any kind of royalty,  
6 production payment, executive right, nonexecutive right, leasehold, or lien in  
7 minerals, regardless of character.

8 (c) "Mineral" includes:

9 (1) Gas;

10 (2) Oil and oil shale;

11 (3) Coal;

12 (4) Gaseous, liquid, and solid hydrocarbons;

13 (5) Cement materials, sand and gravel, road materials, and building  
14 stone;

15 (6) Chemical substances;

16 (7) Gemstone, metallic, fissionable, and nonfissionable ores; and

17 (8) Colloidal and other clay, steam, and geothermal resources.

18 (d) "Severed mineral interest" means a mineral interest that is severed from  
19 the interest in the surface estate overlying the mineral interest.

20 (e) "Surface estate" means an interest in the estate overlying a mineral  
21 interest.

22 (f) (1) "Surface owner" means any person vested with a whole or  
23 undivided fee simple interest or other freehold interest in the surface estate.

24 (2) "Surface owner" does not include the owner of a right-of-way,  
25 easement, or leasehold on the surface estate.

26 (g) (1) "Unknown or missing owner" means any person vested with a  
27 severed mineral interest whose present identity or location cannot be determined:

28 (i) From the records of the county where the severed mineral  
29 interest is located; or

1 (ii) By diligent inquiry in the vicinity of the owner's last known  
2 place of residence.

3 (2) "Unknown or missing owner" includes the heirs, successors, or  
4 assignees of an unknown or missing owner.

5 15-1203.

6 (d) (1) A surface owner of real property that is subject to a mineral  
7 interest who brings an action to terminate a dormant mineral interest in accordance  
8 with this section shall bring the action in the circuit court of the jurisdiction in which  
9 the real property is located.

10 (2) A court order that terminates a mineral interest merges the  
11 terminated mineral interest, including express and implied appurtenant surface rights  
12 and obligations, with the surface estate in shares proportionate to the ownership of  
13 the surface estate, subject to existing liens for taxes or assessments.

14 (3) (I) A COURT ORDER THAT TERMINATES A MINERAL  
15 INTEREST SHALL IDENTIFY:

16 1. THE MINERAL INTEREST;

17 2. EACH SURFACE ESTATE INTO WHICH THE  
18 MINERAL INTEREST IS MERGED, INCLUDING THE TAX MAP AND PARCEL  
19 NUMBER;

20 3. THE NAME OF EACH SURFACE OWNER;

21 4. IF KNOWN, THE NAME OF EACH PERSON THAT  
22 OWNED THE MINERAL INTEREST PRIOR TO THE TERMINATION DATE; AND

23 5. ANY INFORMATION DETERMINED BY THE COURT  
24 AS APPROPRIATE TO DESCRIBE THE EFFECT OF THE TERMINATION AND  
25 MERGER OF THE MINERAL INTEREST.

26 (II) THE CLERK OF THE COURT THAT ISSUED THE ORDER  
27 SHALL RECORD THE ORDER IN THE LAND RECORDS.

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
29 October 1, 2012.