BUILDING, FIRE, AND RELATED CODES
OF
BALTIMORE CITY

2015 EDITION

(As Enacted by Ord. 15-547, and Last Amended by Ord. 18-182)

Published by
BALTIMORE CITY DEPARTMENT OF LEGISLATIVE REFERENCE
Avery Aisenstark, Director
2018
b. the Building Official has issued an occupancy permit, and

3. pending rehabilitation, the structure must be kept secure against casual entry and the premises kept free of occupants, litter, high grass, and weeds.

116.3 Temporarily unoccupied structures. Any structure or part of a structure that has been left unoccupied without removing appliances or portable equipment or furniture and without disconnecting utility service must be safeguarded by closing and securely locking all windows, doors, and other openings.

116.4 Vacant structures. Every vacant structure, as defined in this § 116.4, is declared to be a fire hazard and a nuisance per se, and must be safeguarded and otherwise maintained as required in this § 116.4.

116.4.1 Definitions.

116.4.1.1 General. In this § 116.4, the following terms have the meanings indicated.

116.4.1.2 Vacant structure. “Vacant structure” means an unoccupied structure that is:

1. unsafe or unfit for human habitation or other authorized use, or

2. a nuisance property.

116.4.1.3 Nuisance property. “Nuisance property” means:

1. an unoccupied structure for which 2 or more final, non-appealable Building Code, Fire Code, or Property Maintenance Code violations remained unabated for 10 days or more beyond the date by which the violation notice, citation, or order required the violation to be corrected; or

2. the exterior premises of an unoccupied structure for which, at any time within the preceding 12 months, on 6 or more separate occasions, final, no-longer appealable violation notices, citations, or orders were served to correct violations of Property Maintenance Code, § 305 (“Exterior Sanitary Maintenance – General”) or § 306 (“Exterior Sanitary Maintenance – Trash, Garbage, and Debris”).

116.4.1.3.1 Registered interest holders.

116.4.1.3.1.1 Registration authorized. A holder of an interest in a structure by way of a mortgage or deed of trust may register that interest in the Housing Commissioner’s Registry of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures (City Code Article 13, Subtitle 4).

116.4.1.3.1.2 Notice required to registrants. Before declaring an unoccupied structure to be a nuisance property, the Building Official must send a notice, by first-class mail or email, to any interest holder that is registered for that structure under City Code Article 13, Subtitle 4 (“Registration of Non-Owner-Occupied Dwellings, Rooming Houses, and Vacant Structures”).
116.4.1.3.1.3 Tenor of notice. The notice shall provide the interest holder with the opportunity to avoid a declaration of public nuisance if, within 30 days of the mailing, the interest holder:

1. abates all outstanding violations; and

2. submits a reasonable plan to the Building Commissioner for regular maintenance of the property.

116.4.1.3.2 Official's corrective actions do not constitute abatement. Actions taken by the Building Official to clean, secure, or repair a property do not preclude the Building Official's determination that the property is a nuisance property.

116.4.2 Determination of vacancy, noncompliance. A determination of vacancy and a determination of noncompliance with a notice or order issued under this section may be based on observation that a structure:

1. contains, at any level, any open window or door, any opening caused by damage or decay, or any other opening that is unprotected from intruders,

2. has boarded windows or doors, or

3. lacks intact doors, windows, window sashes, walls, or roof surfaces to protect against the elements.

116.4.3 Required safeguarding. Every vacant structure must be cleaned, closed, and safeguarded as follows:

1. Before the structure is closed and secured, all litter, trash, and other debris must be removed from the premises.

2. All windows, doors, and other openings must be closed, securely locked, and, if readily accessible, boarded up with substantial material, including masonry, approved by the Building Official. The Building Official may require windows facing streets to be boarded with lexan, vinyl, or similar material, protected by security grills, or both.

3. As long as the structure remains unrehabilitated:
   a. it must be kept boarded,
   b. the premises must be conspicuously posted against trespass, and
   c. the premises must be kept free of occupants, litter, trash, debris, high grass, and weeds at all times.

4. Boarding, posting, and cleaning, however, do not relieve the owner of responsibility to demolish or to repair and maintain the property in conformity with this Code.

5. The structure may not be reoccupied until the Building Official has issued an occupancy permit.
116.4.4 Emergency condition. A vacant structure that is not kept boarded and free from accumulations of debris and high vegetation or that, in the opinion of the Building Official, is so dangerously unsound or so deteriorated that rehabilitation is not feasible, constitutes an emergency condition that imminently threatens the public health and safety and requires immediate resolution.

116.4.5 Rodenticide procedure. See § 3314 of this Code.

116.4.6 Notice to Public Works. Whenever the Building Official determines a structure to be vacant, the Building Official must promptly notify the Director of Public Works of that determination. On receipt of the notice, the Director of Public Works must proceed to cut off water service, as provided in City Code Article 24, § 2-3 {"Cut-off for nonpayment"}.

116.5 Rehabilitation, demolition, and stabilization. Except as otherwise authorized or required under this section, a structure found to be unsafe or unfit for human habitation or other authorized use must be rehabilitated and an occupancy permit obtained.

116.5.1 Permitted demolition. On timely appeal of an order to rehabilitate, the Building Official may permit an owner to demolish an unsafe structure instead of rehabilitating it if, in the Building Official’s opinion, demolition is not detrimental to the immediate neighborhood.

116.5.2 Required demolition. The Building Official may order the immediate demolition of any unsafe structure that, in the Building Official’s opinion, is either so dangerously unsound or so deteriorated that rehabilitation is not feasible.

116.5.2.1 Appeal. The recipient of an order to demolish an unsafe structure may request administrative review of the order under § 128 {"Administrative and Judicial Review"} of this Code.

116.5.2.2 Rescission of demolition order. The Building Official may rescind or modify a demolition order if the owner demonstrates the financial ability and requisite expertise to rehabilitate the structure within a reasonable time, as determined by the Building Official, and agrees to comply with a specified timetable. Failure to comply with an agreed timetable reinstates the demolition order.

116.5.3 Stabilization. The Building Official may permit or order an interim stabilization of an unsafe structure pending its rehabilitation.

116.5.4 Reoccupancy of rehabilitated structure. A structure declared unsafe or unfit for occupancy may not be reoccupied until the Building Official has:

1. abated the violation notice or order, and
2. issued an occupancy permit.

116.6 Vacant lot maintenance. When a structure has been demolished under this § 116, the premises must be made to conform to the provisions of this Code and of the regulations adopted under this Code.

116.7 Remedial action by Building Official. The Building Official may take action under this § 116.7 whenever the owner, agent, or person in control cannot be found or fails to comply with a notice or order served under this Code:
SECTION 121 VACANT BUILDING RECEIVER

121.1 Scope. This § 121 applies to a vacant structure, as defined in § 116.4 {"Unsafe vacant structures"}, for which a notice or order to rehabilitate or to demolish is outstanding.

121.2 In general. The Building Official may petition the court for appointment of a receiver to rehabilitate a vacant property, to demolish it, or to sell it to a qualified buyer. Except as otherwise provided in this § 121, the receiver may be any person.

121.3 Contents of petition. The petition for appointment of a receiver must include:

1. a copy of the original violation notice or order, and

2. a verified pleading that:

   a. avers that the required rehabilitation or demolition has not been completed, and

   b. identifies and states the qualifications of the proposed receiver, if other than the Building Official.

121.4 Named respondents. The petition for appointment of receiver must name as respondents:

1. the owner of the property,

2. any lien holder of record, and

3. the plaintiff in any proceeding that was timely filed under State Tax-Property Article § 14-833 {"Foreclosing right of redemption"} and for which the time for securing a decree of foreclosure has not yet expired.

121.4.1 Effect of failure to name plaintiff. Failure to name a person described in § 121.4(3) does not prevent the action from going forward, but does prevent the receiver’s lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building from having priority over that person’s lien interest.

121.5 Filing with Bureau of Liens. A notice of the proceeding, together with a copy of the violation notice or order, must be filed with the Bureau of Liens. The Bureau must include a record of these in its lien reports, and the property cannot be transferred without the prior approval of the court.

121.6 Notice to judgment creditors and lien holders. After filing the petition and before a receiver is appointed, the Building Official must give notice of the pendency and nature of the proceedings by regular and certified mail to the last-known addresses of all judgment creditors and lien holders with a recorded interest in the property.

Exceptions:

1. This notice is not required for respondents named under § 121.4 {"Named respondents"} of this Code.

12/01/15 -53-
2. The Building Official is not required to send notices to any creditor or lien holder whose interest in the property is unrecorded.

121.6.1 Intervention. Within 30 days of the date on which the notice was mailed, a judgment creditor or lien holder with a recorded interest in the property may apply to intervene in the proceeding and to be appointed receiver. A creditor or lien holder whose interest is not recorded does not have standing to intervene in the proceeding and is not eligible to be appointed receiver.

121.6.2 Effect of failure to give notice. Failure to give any required notice to any interested person under this § 121 does not prevent the action from going forward, but does prevent the receiver’s lien for expenses incurred in rehabilitating, demolishing, or selling the vacant building from having priority over that person’s lien interest.

121.7 Appointment of owner, etc., instead of receiver. Instead of appointing a receiver to rehabilitate or sell a vacant building, the court may permit an owner, mortgagee, or other person with an interest in the property to rehabilitate or demolish it if that person:

1. demonstrates ability to complete the rehabilitation or demolition within a reasonable time.
2. agrees to comply with a specified schedule for rehabilitation or demolition, and
3. posts bond, in an amount determined by the court, as security for performance of the required work in compliance with the specified schedule.

121.7.1 Application to dismiss owner. If it appears to the petitioner that the person appointed is not proceeding with due diligence or in compliance with the court-ordered schedule, the petitioner may apply to the court for immediate revocation of that person’s appointment and for appointment of a receiver. The bond posted under this section must then be applied to the subsequently appointed receiver’s expenses in rehabilitating, demolishing, or selling the vacant building.

121.8 Appointment of receiver. If no qualified person with an ownership interest requests appointment to rehabilitate or demolish the property, or if an appointee is dismissed, the court must then appoint a receiver of the property for the purpose of rehabilitating and managing the property, demolishing the property, or selling it to a qualified buyer.

121.8.1 Parties divested of authority. On appointment of a receiver to rehabilitate, demolish, or sell the property, all parties are divested of any authority to act in furtherance of those goals.

121.8.2 Penalties. Any party who takes any step to rehabilitate, demolish, or sell the property is subject to the penalties for contempt.

121.8.3 Receiver not responsible to maintain or protect the property. A receiver appointed to rehabilitate, demolish, or sell a vacant building has no duty to, and is not personally liable for failing to, maintain the property or protect the property from casualty or loss.

121.9 Powers of receiver appointed to rehabilitate or demolish. A receiver appointed to rehabilitate or demolish a vacant building, in addition to all necessary and customary powers, has the right of possession with authority to:
1. contract for necessary labor and supplies for rehabilitation or demolition.

2. borrow money for rehabilitation or demolition from an approved lending institution or through a government agency or program, using the receiver’s lien against the property as security.

3. manage the property after rehabilitation, with all the powers of a landlord, for a period of up to 2 years and apply the rent received to current operating expenses and to repayment of outstanding rehabilitation expenses, and

4. foreclose on the receiver’s lien or accept a deed in lieu of foreclosure.

121.10 Powers of receiver appointed to sell. A receiver appointed to sell a vacant building, in addition to all necessary and customary powers, may sell the property to the high bidder at public auction, following the provisions that apply to a receiver appointed under Rule 3-722 {"Receivers"} and Title 14, Chapter 300 {"Judicial Sales"} of the Maryland Rules. If the property fails to sell at public auction, the receiver may sell the property in a private sale.

121.10.1 Notice of auction. In the notice of public auction, it is sufficient to describe the property by a street address and by reference to the liber and folio number of the title deed recorded in the land records of Baltimore City.

121.10.2 Buyer qualifications. Before any sale, the applicants to bid in a public sale or the proposed buyer in a private sale must demonstrate the ability and experience needed to rehabilitate the property within a reasonable time.

121.10.2.1 Application fee. The receiver may charge a reasonable fee to applicants in connection with the application to bid at a public sale or in connection with the solicitation of offers for a private sale.

121.10.3 Application of sale proceeds. After deducting the expenses of the sale, the amount of outstanding taxes and other government assessments, and the amount of the receiver’s lien, the receiver must apply any remaining proceeds of the sale, first to the petitioner’s costs and expenses, including reasonable attorney’s fees, and then to the liens against the property in order of priority.

121.11 Tenure of receiver appointed to rehabilitate. The tenure of a receiver appointed to rehabilitate a vacant building may extend no longer than 2 years after rehabilitation. Anytime after rehabilitation, any party to the receivership may file a motion to dismiss the receiver on payment of the receiver’s outstanding costs, fees, and expenses.

121.12 Final accounting. At the end of the receiver’s tenure, the receiver must file a final accounting with the court.

121.13 Receiver’s lien for costs, etc. Any costs or fees incurred by the receiver are a lien against the property in accordance with § 118 {"Liability for Expenses ..."} of this Code. The receiver’s lien has priority over all other liens and encumbrances, except taxes or other government assessments. The receiver must allow the petitioner’s costs and expenses, including reasonable attorney’s fees, to be paid to the extent that the proceeds of the sale permit.
121.13.1 Foreclosure of lien. A receiver may foreclose on the lien by a sale of the property at public auction, following 1 public notice and notice to interested parties in the manner of a mortgage foreclosure. After deducting the expenses of the sale, the receiver must apply the proceeds of the sale to the liens against the property, in order of priority. In lieu of foreclosure, and only if the receiver has rehabilitated the property, an owner may pay the receiver’s costs, fees, including attorney’s fees, and expenses or may transfer all ownership in the property to either the receiver or an agreed-on third party for an amount agreed to by all parties to the receivership as being the property’s fair market value.

121.14 Transfer on sale. Following court ratification of a sale, the receiver must sign a deed conveying title to the buyer, free and clear of all liens, judgments, and other encumbrances. On court ratification of the sale, any secured interest of a lien holder or judgment creditor automatically attaches to the proceeds from the sale, to the extent those proceeds are available under § 121.10.3 (“Application of sale proceeds”).

121.15 Dismissal. On sale of the property, the receiver must:

1. file with the court a final accounting, and
2. at the same time, file a motion with the court to dismiss the action.

SECTION 122 [Reserved]

SECTION 123 NOTICES

123.1 In general. All notices under this Code must be issued in accordance with this § 123. However, nothing in this Code may be construed to excuse or relieve any person from complying with all provisions of this Code at all times, regardless of whether any notice or order has been issued by the Building Official in any particular case.

123.2 Classification. Notices issued under this Code are classified as either:

1. condemnation notices, or
2. violation notices.

123.3 Contents – Condemnation notices. Except as specified in § 123.3.1, every condemnation notice must set forth:

1. the location of the condemned structure or equipment.
2. the reason the structure or equipment is condemned.
3. a reference to applicable provisions of this Code.
4. a warning against entering or using the condemned structure or equipment.
5. the right of the person to whom the notice is directed to request a hearing within 10 days of the date on which the notice was served, and
RULE 3-722. RECEIVERS
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 3, Civil Procedure—District Court
Chapter 700. Special Proceedings

MD Rules, Rule 3-722

RULE 3-722. RECEIVERS

Currentness

(a) Applicability. This Rule applies to a receiver appointed to take charge of property for the enforcement of a local or state code or to abate a nuisance.

Cross reference: For the power of the District Court to appoint a receiver, see Code, Courts Article, §§ 4-401(3) and 4-402(b); Code, Real Property Article, § 14-120; and Baltimore City Building Code, 2011 Edition, § 121.

(b) Applicability of Other Rules. Except as otherwise provided in this Rule, Title 14, Chapter 300 of these Rules governs a sale of property by the receiver.

(c) Bond. The court may require the receiver to file a bond to the State of Maryland in the amount determined by the court. Cross reference: Title 1, Chapter 400 (Bond).

(d) Order Appointing a Receiver. An order appointing a receiver shall specify (1) the powers of the receiver, including any power to incur expenses and create liens on the property to secure payment of those expenses, (2) the amount of any bond, and (3) the terms of sale.

(e) Employment of Other Professionals. A receiver shall not employ an attorney, accountant, appraiser, auctioneer, or other professional without prior approval by the court.

(f) Procedure Following Sale.

(1) Notice by Mail. Upon filing the Report of Sale, the receiver shall send a notice by first class mail and certified mail to the last known address of: the mortgagor; the present record owner of the property; and the holder of a recorded subordinate mortgage, deed of trust, or other recorded or filed subordinate interest in the property, including a judgment. The notice shall identify the property and state that the sale of the property has been completed and will be final unless cause to the contrary is shown within 30 days after the date of the notice. The receiver shall file proof of mailing with the court. This notice shall be in lieu of notice and publication by the clerk pursuant to Rule 14-305(c).

(2) Posting of Property. The receiver also shall cause the notice to be posted in a conspicuous place on the property and file proof of posting with the court.

(3) Exceptions to Sale. Exceptions to the sale may be filed within 30 days after the date of the mailing or posting of the notice, which ever is later. In all other respects, exceptions shall be governed by Rule 14-305 (d).

(g) Ratification. The court shall ratify the sale if (1) the time for filing exceptions pursuant to subsection (f)(3) of this Rule has expired and exceptions to the sale either were not filed or were filed but overruled, and (2) the court is satisfied that the sale was fairly and properly made. If the court is not satisfied that the sale was fairly and properly made, it may enter any order that it deems appropriate.

(h) Conveyance to Purchaser. Promptly after ratification of the sale and payment of the purchase price, the receiver shall convey the property to the purchaser and, unless the property is located entirely in Baltimore City, cause to be recorded among the land records of each county where any part of the property is located a certified copy of the docket entries and the final order of ratification.

(i) Accounting. Promptly after conveying the property, the receiver shall file an accounting. The receiver shall send notice of the accounting to the persons listed in subsection (f)(1) of this Rule, who shall have 30 days after the date of the notice to file exceptions. The court may decide exceptions without a hearing unless a hearing is requested.
(j) Distribution and Termination. After the court has ratified the accounting, the receiver shall distribute the proceeds of the sale and petition the court to terminate the receivership.

(k) Removal of Receiver. Upon petition of a person having an interest in the property or on the court’s own initiative, the court may remove a receiver for good cause shown. A petition shall state the reasons for the requested removal and may include a request for the appointment of a successor receiver. The petitioner shall send a copy of the petition to the receiver and to each person entitled to notice under subsection (f)(1) of this Rule. The court may grant or deny the relief requested without a hearing, unless a hearing is requested by the receiver or other interested person with 10 days after service of the petition.

(l) Resignation of Receiver. A petition to resign shall state the reasons for the proposed resignation and may include a request for the appointment of a successor receiver. The receiver shall file with the petition a report and accounting from the date the receiver was appointed and shall certify that a copy of the petition, together with a copy of the report and accounting, was mailed to each person entitled to notice under subsection (f)(1) of this Rule. The filing of a petition to resign does not terminate the appointment until the resignation has been approved by the court. The court may grant or deny the requested relief with or without a hearing.

Source: This Rule is new.

Credits

Editors’ Notes

HISTORICAL NOTES

2012 Orders
The November 1, 2012, order corrected obsolete citations in the cross reference following section (a).

MD Rules, Rule 3-722, MD RCP DIST CT Rule 3-722
Current with amendments received through February 1, 2019.
RULE 14-301. APPLICABILITY
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 14. Sales of Property
Chapter 300. Judicial Sales (Refs & Anns)

MD Rules, Rule 14-301

RULE 14-301. APPLICABILITY

Currentness

Except as otherwise specifically provided in Rules 2-644 and 3-644 and Chapter 200 of this Title, the rules in this Chapter govern all sales of property that are subject to ratification by a court.

Source: This Rule is derived from former Rule BR1.

Credits

Editors' Notes

HISTORICAL NOTES

Derivation:

MD Rules, Rule 14-301, MD R PROP SALES Rule 14-301
Current with amendments received through February 1, 2019.
RULE 14-302. SALES--GENERALLY
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 14. Sales of Property
Chapter 300. Judicial Sales (Refs & Annos)

MD Rules, Rule 14-302

RULE 14-302. SALES--GENERALLY

Currentness

(a) When Court May Order. At any stage of an action, the court may order a sale if satisfied that the jurisdictional requisites have been met and that the sale is appropriate.

Cross references: See Code, Family Law Article, §11-104 and Keen v. Keen, 191 Md. 31 (1948) for sale of nonresidents § property to satisfy alimony decree; Code, Family Law Article, §§8-202 for sale of real or personal property incident to a divorce decree; Code, Business Regulation Article, §§5-505 for sale of burial grounds; Code, Real Property Article, §§14-107 for sale is lieu of partition; Code, Real Property Article, §§14-110 for sale of consecutive interests in land by agreement of parties; Code, Tax Property Article, §§14-808 through 14-854 for tax sales; and Code, Tax General Article, §§13-810 for sale to enforce income tax lien.

(b) Appointment of Trustee. When the Court orders a sale it may appoint a trustee to make the sale. The trustee shall be a natural person.

Cross references: See Code, Courts Article, §11-111 for the appointment of a trustee to execute a deed; Code, Real Property Article, §4-202 (e) for a form of a trustee's deed under a decree; and Code, Estates and Trusts Article, §14-101, for general jurisdiction of equity concerning trusts. Regarding fiduciaries generally, see Code, Estates and Trusts Article, §15-101 et seq.

Source: This Rule is derived from former Rule BR2.

Credits

Editors' Notes

HISTORICAL NOTES

Derivation:

MD Rules, Rule 14-302, MD R PROP SALES Rule 14-302
Current with amendments received through February 1, 2019.

END OF DOCUMENT
RULE 14-303. PROCEDURE PRIOR TO SALE
West's Annotated Code of Maryland
Maryland Rules

Title 14. Sales of Property
Chapter 300. Judicial Sales (Refs & Annos)

MD Rules, Rule 14-303

RULE 14-303. PROCEDURE PRIOR TO SALE

Currentness

(a) Bond.

(1) Trustee Appointed by Court. Unless excused by the court, a trustee appointed by the court to make a sale shall file a bond with the clerk. The bond shall be to the State of Maryland in an amount determined by the court and conditioned on faithful performance and execution of the trust.

(2) Trustee Appointed Under Certain Instruments. Unless otherwise ordered by the court, the trustee need not file a bond if the sale is for the benefit of either the grantor of the trust instrument or a person who paid a valuable consideration for the deed of trust and who is entitled to the proceeds of sale.

Cross reference: For payment of the premium of the bond out of the estate being administered, see Rule 10-702(f). See also Code, Commercial Law Article, § 15-103(a) concerning bond requirements before passage of title to an assignee for the benefit of creditors.

(b) Public Sale—Advertisement. Unless otherwise ordered by the court, a trustee proposing to make a public sale shall give notice by advertisement of the time, place, and terms of sale in a newspaper of general circulation in each county where any portion of the property is located. The notice shall describe the property to be sold sufficiently to identify it and shall be given as follows:

(1) for the sale of an interest in real property, at least once a week for three successive weeks, the first publication to be not less than 15 days before the sale and the last publication to be not more than one week before the sale, or

(2) for the sale of personal property, not less than five days nor more than 12 days before the sale.

(c) Private Sale; Appraisal. Before making a private sale, the person proposing to make it shall file in the proceedings an appraisal made by a competent appraiser within six months before the date of sale. An appraisal need not be filed if the filing is excused by order of the court or if the sale is made by a personal representative of an estate administered in the circuit court under a will that grants a power of sale without expressly requiring an appraisal.

Source: This Rule is derived from former Rule BR3.

Credits

Editors’ Notes

HISTORICAL NOTES

Derivation:

MD Rules, Rule 14-303, MD R PROP SALES Rule 14-303
Current with amendments received through February 1, 2019.
RULE 14-304. PLACE OF SALE
West's Annotated Code of Maryland
Maryland Rules

West's Annotated Code of Maryland
Maryland Rules
Title 14. Sales of Property
Chapter 300. Judicial Sales (Refs & Annos)

MD Rules, Rule 14-304

RULE 14-304. PLACE OF SALE

Currentness

Unless otherwise ordered by the court, a sale shall be made in a county where all or a part of the property is located.

Source: This Rule is derived from former Rule BR4.

Credits

Editors' Notes

HISTORICAL NOTES

Derivation:

MD Rules, Rule 14-304, MD R PROP SALES Rule 14-304
Current with amendments received through February 1, 2019.
RULE 14-305. PROCEDURE FOLLOWING SALE

West's Annotated Code of Maryland
Maryland Rules

Title 14, Sales of Property
Chapter 300, Judicial Sales (Refs & Annos)

MD Rules, Rule 14-305

RULE 14-305. PROCEDURE FOLLOWING SALE

Currentness

(a) Report of Sale. As soon as practicable, but not more than 30 days after a sale, the person authorized to make the sale shall file with the court a complete report of the sale and an affidavit of the fairness of the sale and the truth of the report.

(b) Affidavit of Purchaser. Before a sale is ratified, unless otherwise ordered by the court for good cause, the purchaser shall file an affidavit setting forth:

(1) whether the purchaser is acting as an agent and, if so, the name of the principal;

(2) whether others are interested as principals and, if so, the names of the other principals; and

(3) that the purchaser has not directly or indirectly discouraged anyone from bidding for the property.

(c) Sale of Interest in Real Property; Notice. Upon the filing of a report of sale of real property or chattels real pursuant to section (a) of this Rule, the clerk shall issue a notice containing a brief description sufficient to identify the property and stating that the sale will be ratified unless cause to the contrary is shown within 30 days after the date of the notice. A copy of the notice shall be published at least once a week in each of three successive weeks before the expiration of the 30-day period in one or more newspapers of general circulation in the county in which the report of sale was filed.

(d) Exceptions to Sale.

(1) How Taken. A party, and, in an action to foreclose a lien, the holder of a subordinate interest in the property subject to the lien, may file exceptions to the sale. Exceptions shall be in writing, shall set forth the alleged irregularity with particularity, and shall be filed within 30 days after the date of a notice issued pursuant to section (c) of this Rule or the filing of the report of sale if no notice is issued. Any matter not specifically set forth in the exceptions is waived unless the court finds that justice requires otherwise.

(2) Ruling on Exceptions: Hearing. The court shall determine whether to hold a hearing on the exceptions but it may not set aside a sale without a hearing. The court shall hold a hearing if a hearing is requested and the exceptions or any response clearly show a need to take evidence. The clerk shall send a notice of the hearing to all parties and, in an action to foreclose a lien, to all persons to whom notice of the sale was given pursuant to Rule 14-206(b).

(e) Ratification. The court shall ratify the sale if (1) the time for filing exceptions pursuant to section (d) of this Rule has expired and exceptions to the report either were not filed or were filed but overruled, and (2) the court is satisfied that the sale was fairly and properly made. If the court is not satisfied that the sale was fairly and properly made, it may enter any order that it deems appropriate.

(f) Referral to Auditor. Upon ratification of a sale, the court, pursuant to Rule 2-543, may refer the matter to an auditor to state an account.

(g) Resale. If the purchaser defaults, the court, on application and after notice to the purchaser, may order a resale at the risk and expense of the purchaser or may take any other appropriate action.

Source: This Rule is derived from former Rule BR6.

Credits
Editors' Notes

HISTORICAL NOTES

Derivation:

MD Rules, Rule 14-305, MD R PROP SALES Rule 14-305
Current with amendments received through February 1, 2019.

END OF DOCUMENT

RULE 14-306. REAL PROPERTY--RECORDING
West's Annotated Code of Maryland
Maryland Rules

Title 14. Sales of Property
Chapter 300. Judicial Sales (Refs & Annos)

MD Rules, Rule 14-306

RULE 14-306. REAL PROPERTY--RECORDING

Currentness

Upon the entry of a final order of ratification, the person making a sale of an interest in real property in a county other than one in which all of the property is located shall cause to be recorded among the land records of each county where any part of the property is located a certified copy of the docket entries, any complaint, the report of sale, the final order of ratification, and any other orders affecting the property.

Committee note: For special rules applying to properties in Baltimore City, see Code, Real Property Article, § 14-103 (f).

Source: This Rule is derived from former Rule BR5.

Credits

Editors' Notes

HISTORICAL NOTES

2003 Orders
The November 12, 2003, order added the committee note.

Derivation:

MD Rules, Rule 14-306. MD R PROP SALES Rule 14-306
Current with amendments received through February 1, 2019.