

# **Bond Case Briefs**

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## **TAX - MARYLAND**

### **Mayor and City Council of Baltimore v. Thornton Mellon, LLC**

**Court of Appeals of Maryland - April 28, 2022 - A.3d - 2022 WL 1260300**

Purchaser of residential property at tax sale filed complaint to foreclose right of redemption. After judgment foreclosing the right of redemption was entered, purchaser moved to substitute its assignee as the plaintiff and for order directing the city to issue a tax deed to its assignee, and city moved to strike the substitution and to strike, or alternatively, respond to motion for order directing it to issue a tax deed to assignee.

The Circuit Court granted purchaser's motions and denied city's motions. City appealed. The Court of Special Appeals affirmed. City petitioned for writ of certiorari, which was granted.

The Court of Appeals held that:

- Tax-sale statute providing that, in an action to foreclose the right of redemption, "[i]f the court finds for the plaintiff, the judgment vests in the plaintiff an absolute and indefeasible title in fee simple," when read in context of related statutory provisions including the requirement that the judgment order execution of a deed, does not mean that the judgment itself vests fee simple title in the certificate holder but rather that the certificate holder acquires equitable title upon the entry of the judgment and that the deed conveys legal title;
- Entry of judgment foreclosing owner's right of redemption does not extinguish the tax certificate; and
- A judgment foreclosing owner's right of redemption, following tax sale, is assignable.