FILE NO. 74379

-1-1

October 3, 1942

Mr. Charles E.Biohy
Deputy City Collector
Municipal Office Building
Baltimore, Maryland

Dear Mr. Blohy:

Sometime ago you asked me for an opinion as to the right of the owner of a ground rent to be substituted as a purchaser in the case where a lot is sold for non-payment of taxes.

This right existed by virtue of Section 64 of Article 1 of the Charter and Public Local Laws of Baltimore City, 1938, and continues to apply in any ... case where the property has been sold under the old tax laws.

Section 64, among others, and did not re-enact it in any such way as to entitle the owner of the ground rent to be substituted as purchaser. Under Sections 59A and 60A the certificate of sale is assignable, in the first where the lot is purchased by a third party and in the second where the lot is purchased by the Mayor and City Council. The owner of the ground rent would be entitled to seek assignment of the certificate of tax sale by the payment of the usual necessary sums.

Where the City of Baltimore is the purchaser, this would be very simple as the City would be glad to assign the certificate to the owner of the ground rent upon the payment of the taxes and costs. Where, however, a third party is the purchaser, such third party may be unwilling to assign the certificate and the ground rent owner would then be compelled to exercise his right of redemption and if he wished, gain possession of the property through his right of ejectment.

I, of course, do not know whether it was the intention to omit Section 64 from the new Act but it has most certainly been emitted.

Very truly yours,

(eigned) henry L. D. Stanford, Jr.

HLDS/ROS

Assistant City Solicitor