

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1973.

Approved May 24, 1973.

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CHAPTER 762  
(House Bill 310)

AN ACT to repeal and re-enact, with amendments, Section 2(b) of Article 78C of the Annotated Code of Maryland (1969 Replacement Volume), title "Real Estate Investment Trust," and to add new Section 5 to the same Article and title of the Code, to follow immediately after Section 4 thereof; to provide that trustees may, by a two-thirds vote, if permitted by the declaration of trust, amend provisions of the declaration of trust to the extent necessary for qualification as a real estate investment trust under Article 78C of the Annotated Code of Maryland (1969 Replacement Volume) or Sections 856-858 of the Federal Internal Revenue Code of 1954; and to provide that the trust by its declaration of trust may provide for any action to be taken or authorized by the votes of at least a majority of the shares or certificates of beneficial interest entitled to be cast thereon, notwithstanding any provision of Article 78C of the Annotated Code of Maryland (1969 Replacement Volume) requiring more than a majority of the votes to take or authorize such action.

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That Section 2 (b) of Article 78C of the Annotated Code of Maryland (1969 Replacement Volume), title "Real Estate Investment Trust," be and it is hereby repealed and re-enacted, with amendments; and that new Section 5 be and it is hereby added to the same Article and title of the Code, to follow immediately after Section 4 thereof, and all to read as follows:

2.

(b) Provisions of declaration of trust.--The declaration of trust shall, unless contrary to or inconsistent with Sections 856-858 of the Federal Internal Revenue Code of 1954, as amended from time to time, or regulations promulgated thereunder, also provide:

(1) Number of Shares or Certificates. For the total number of transferable shares or certificates evidencing beneficial interests which the real estate investment trust has authority to issue.

(2) Annual Meeting. For an annual meeting of the holders of beneficial interests in the trust at a convenient location on proper notice after the delivery of the annual report.

(3) Election and Removal of Trustees. For the election of trustees at least every three years at the annual meeting of the holders of beneficial interests in the trust and for the removal of a trustee at any time upon the vote of the holders of at least two thirds of the shares or certificates of beneficial interest in the trust.

(4) Changes in Declaration. That no change shall be made in the declaration of trust without the vote or written consent of the holders of at least two-thirds of the shares or certificates of beneficial interest in the trust [.] ; PROVIDED, HOWEVER, THAT THE TRUSTEES, FROM TIME TO TIME, BY A