

Subsection (b) of this section is new language derived without substantive change from Art. 78C, §§ 3, 2(b), and 2(e). Because of the general application of the present language to this entire title, it is placed here.

The cited sections of the Internal Revenue Code are presently contained in 26 U.S.C., §§856 et seq.

SUBTITLE 2. FORMATION AND QUALIFICATION.

8-201. COMPLIANCE REQUIRED.

A REAL ESTATE INVESTMENT TRUST MAY NOT [[CARRY ON]] DO BUSINESS IN THE STATE UNTIL IT COMPLIES WITH THIS TITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the third sentence of Art. 78C, §2(a).

The Commission notes that present Art. 78C fails adequately to distinguish which of its provisions apply to both Maryland real estate investment trusts formed under this title and foreign real estate investment trusts desiring to qualify to do business in the State, and which of its provisions apply only to one or the other.

8-202. DECLARATION OF TRUST.

(A) DECLARATION TO BE FILED.

A REAL ESTATE INVESTMENT TRUST SHALL FILE ITS DECLARATION OF TRUST FOR RECORD WITH THE DEPARTMENT.

(B) CONTENTS OF THE DECLARATION OF TRUST.

THE DECLARATION OF TRUST SHALL:

(1) INDICATE CLEARLY THAT THE TRUST IS A REAL ESTATE INVESTMENT TRUST;

(2) STATE THE TOTAL NUMBER OF SHARES WHICH THE REAL ESTATE INVESTMENT TRUST HAS AUTHORITY TO ISSUE;

(3) PROVIDE FOR AN ANNUAL MEETING OF SHAREHOLDERS AFTER THE DELIVERY OF THE ANNUAL REPORT, AT A CONVENIENT LOCATION AND ON PROPER NOTICE;

(4) PROVIDE FOR THE ELECTION OF TRUSTEES AT LEAST EVERY THIRD YEAR AT AN ANNUAL MEETING OF