

THE BOARD OF COMMISSIONERS MAY INSTITUTE PROCEEDINGS IN AN EQUITY COURT IN THE COUNTY WHERE THE SAVINGS AND LOAN ASSOCIATION HAS ITS PRINCIPAL BUSINESS OFFICE FOR THE APPOINTMENT OF A RECEIVER:

(1) IF:

(I) THE SAVINGS AND LOAN ASSOCIATION FAILS TO COMPLY WITH A FINAL ORDER OF THE DIVISION DIRECTOR OR BOARD OF COMMISSIONERS;

(II) THE IRREGULARITIES GIVING RISE TO A CONSERVATORSHIP ARE NOT CORRECTED; OR

(III) AN EMERGENCY EXISTS; AND

(2) THE BOARD OF COMMISSIONERS CONSIDERS THE APPOINTMENT OF A RECEIVER TO BE IN THE PUBLIC INTEREST.

(B) APPOINTMENT OF RECEIVER.

SUBJECT TO THE PROVISIONS OF § 9-709 OF THIS SUBTITLE, A COURT MAY APPOINT A RECEIVER IF IT FINDS THAT A SAVINGS AND LOAN ASSOCIATION IS:

(1) IN AN IMPAIRED OR INSOLVENT CONDITION;

(2) IN SUBSTANTIAL VIOLATION OF ANY LAW OR REGULATION;

(3) CONCEALING ANY OF ITS ASSETS OR RECORDS; OR

(4) CONDUCTING AN UNSAFE AND UNSOUND OPERATION.

REVISOR'S NOTE: This section is new language derived without substantive change from Art. 23, § 161L(a).

In subsection (a)(1)(i) of this section, the phrase "of the Director or Board of Commissioners" is added for clarity and in accordance with the practice of the Board of Commissioners.

As to subsection (b)(3) of this section, the present term "books" is deleted as included in the phrase "assets or records".

Present Art. 23, § 161L(b), which provided that the procedure in a receivership action would be in accordance with the practice of the court, is deleted as unnecessary.

Note that the court has broader discretion as to who is appointed receiver than as to the appointment of conservator. See § 9-701 of this subtitle.

---