

(C) A SUIT FOR ANY EXPECTED ACTUAL DEFICIENCY FOLLOWING FORECLOSURE MAY BE MAINTAINED IN THE FORECLOSURE PROCEEDING.

(D) A SUIT TO RECOVER A MONEY JUDGMENT FOR UNPAID ASSESSMENTS IS NOT A WAIVER OF THE LIEN SECURING THE ASSESSMENT.

(E) AN ACTION MAY NOT BE BROUGHT TO FORECLOSE A LIEN UNDER THIS SUBTITLE UNLESS THE ACTION IS BROUGHT:

(1) WITHIN 3 YEARS FOLLOWING THE RECORDATION OF THE STATEMENT OF A HOMEOWNERS' ASSOCIATION LIEN; AND

(2) AFTER 10 DAYS' WRITTEN NOTICE TO THE HOMEOWNER THAT IS SENT BY REGISTERED MAIL WITH RETURN RECEIPT REQUESTED TO THE ADDRESS OF THE HOMEOWNER SHOWN ON THE BOOKS OF THE HOMEOWNERS' ASSOCIATION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July 1, 1982.

June 1, 1982

The Honorable James Clark, Jr.  
President of the Senate  
State House  
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 473.

The bill enacts a statutory method for a homeowners' association to obtain a lien to secure charges imposed on the members of the association by the bylaws or declaration of covenants of the homeowners' association and, in addition, certain other charges and expenses connected with the collection of those charges. The lien would extend to the member's house, the land upon which the house is located, and to the rights or property associated with the ownership of the house. The recording in the land records of a statement of a homeowner's association lien by the association, without notice to the homeowner, would be sufficient to make the lien effective. The lien would be enforceable, and could be foreclosed, by the association. Foreclosure proceedings would be conducted in the same manner as foreclosures of mortgages or deeds of trust.

The bill would raise difficult interpretive issues, and the statutory procedure is quite possibly unconstitutional. Regrettably, the bill does not circumscribe the types of "associations" which would be entitled to use the lien