

(C) THE STATE MAY RECOVER FROM EITHER THE TRANSFEROR OR TRANSFEREE OR, IN THE CASE OF A PROPERTY THAT HAS CEASED TO BE A FACILITY, FROM THE OWNER, AN AMOUNT BEARING THE SAME RATIO TO THE THEN CURRENT VALUE OF SO MUCH OF THE PROPERTY AS CONSTITUTED AN APPROVED PROJECT AS THE AMOUNT OF THE STATE PARTICIPATION BORE TO THE TOTAL ELIGIBLE COST OF THE APPROVED PROJECT, TOGETHER WITH ALL COSTS AND REASONABLE ATTORNEYS' FEES INCURRED BY THE STATE IN THE RECOVERY PROCEEDINGS, IF, WITHIN 30 YEARS AFTER COMPLETION OF A PROJECT, A PROPERTY FOR WHICH FUNDS HAVE BEEN PAID UNDER THIS SUBTITLE:

(1) IS SOLD OR TRANSFERRED TO ANY PERSON, AGENCY, OR ORGANIZATION THAT WOULD NOT QUALIFY AS AN APPLICANT UNDER THIS SUBTITLE, OR THAT IS NOT APPROVED AS A TRANSFEREE BY THE BOARD OF PUBLIC WORKS; OR

(2) CEASES TO BE A FACILITY AS DEFINED IN THIS SUBTITLE.

(D) (1) BEFORE THE STATE MAKES ANY FUNDS AVAILABLE FOR AN APPROVED PROJECT, THE DEPARTMENT SHALL CAUSE A NOTICE OF THIS RIGHT OF RECOVERY TO BE RECORDED IN THE LAND RECORDS OF THE COUNTY OR BALTIMORE CITY IN WHICH THE PROPERTY IS LOCATED.

(2) THE RECORDING OF THE NOTICE:

(I) DOES NOT CREATE A LIEN AGAINST THE PROPERTY; BUT

(II) SHALL CONSTITUTE NOTICE TO ANY POTENTIAL TRANSFEREE, POTENTIAL TRANSFEROR, POTENTIAL CREDITOR, OR OTHER INTERESTED PARTY OF THE POSSIBILITY THAT THE STATE MAY OBTAIN A LIEN UNDER THIS SUBTITLE.

(E) (1) (I) THE SECRETARY OF THE BOARD OF PUBLIC WORKS MAY AUTHORIZE THE DEPARTMENT TO FILE A CIVIL CLAIM, IN THE CIRCUIT COURT FOR THE COUNTY OR BALTIMORE CITY IN WHICH THE PROPERTY IS LOCATED, AGAINST THE OWNER OF THE PROPERTY AND ANY OTHER INTERESTED PARTIES, INCLUDING ANY TRANSFEROR THAT THE STATE WISHES TO MAKE A PARTY IF:

1. A FAILURE TO COMPLETE THE PROJECT OR COMMENCE OPERATIONS OF THE FACILITY AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION HAS OCCURRED;

2. AN ALLEGED SALE OR TRANSFER AS DESCRIBED IN SUBSECTION (C) OF THIS SECTION HAS OCCURRED; OR

3. A PROPERTY IS ALLEGED TO HAVE CEASED TO BE A FACILITY AS DEFINED IN THIS SUBTITLE;

(II) THE CLAIM SHALL BE FILED WITH:

1. SWORN AFFIDAVITS STATING FACTS ON WHICH THE ALLEGATIONS OF DEFAULT ARE BASED; AND

2. A DETAILED JUSTIFICATION OF THE AMOUNT CLAIMED.