

SUBJECT TO THE PROVISIONS OF SUBSECTION (A) OF THIS SECTION, IN ANY ORDER OR DECREE, OR ANY MODIFICATION OF AN ORDER OR DECREE, A PROVISION THAT CONCERNS THE FAMILY HOME OR FAMILY USE PERSONAL PROPERTY SHALL TERMINATE WHEN THE PARTY WITH THE POSSESSION OR USE OF THE PROPERTY REMARRIES.

(C) TREATMENT OF PROPERTY.

WHEN A PROVISION THAT CONCERNS THE FAMILY HOME OR FAMILY USE PERSONAL PROPERTY TERMINATES, THE COURT SHALL TREAT THE PROPERTY AS MARITAL PROPERTY IF THE PROPERTY QUALIFIES AS MARITAL PROPERTY, AND ADJUST THE EQUITIES AND RIGHTS OF THE PARTIES CONCERNING THE PROPERTY AS SET OUT IN § 8-205 OF THIS SUBTITLE.

REVISOR'S NOTE: This section is new language derived without substantive change from the second sentence of CJ § 3-6A-06(a), the second and third sentences of (e), and the first sentence of (f).

In subsection (a)(1) of this section, the language "terminate no later than 3 years after the date on which the court grants" is substituted for the former language "be made for a time period not to exceed 3 years from the date of the granting of", for clarity.

Subsection (a)(2) of this section is new language substituted for the third sentence of former CJ § 3-6A-06(e), for clarity.

In subsection (b) of this section, the introductory reference to "subsection (a) of this section" is new language added for clarity.

Also in subsection (b) of this section, the former word "occupancy" is deleted as included in "possession".

In subsection (c) of this section, the phrase "and adjust the equities and rights of the parties concerning the property as set out in § 8-205 of this subtitle" is substituted for the former clause "consider the factors set forth in § 3-6A-05(b) in arriving at a division of the proceeds or value of the property", for clarity.

The second sentence of former CJ § 3-6A-06(f) is deleted as inaccurate. That sentence contradicted the definitions of "family home" and "family use personal property".

The Commission to Revise the Annotated Code notes, for consideration by the General Assembly, that it is unclear whether the 90-day time limit and exceptions set out in § 8-203 of this subtitle also apply to a determination under this section.