

not subject to the agricultural land transfer tax, if the transferee:

(i) files with the supervisor before the transfer a declaration of intent to farm the land and the declaration that specifies that:

1. ALL the agricultural land will remain in farm or agricultural use for at least 5 full consecutive taxable years; and

2. The nature or type of agricultural activity on ALL the agricultural land together with the amount of the agricultural land that is in farm or agricultural use is reasonably expected to produce an average annual gross income of \$2,500; and

(ii) applies for farm or agricultural use assessment for ALL the agricultural land that is transferred.

(2) If there is a failure to comply with a declaration of intent filed under paragraph (1) of this subsection or a failure to qualify for the farm or agricultural use assessment under § 8-209 of this article during the time that a declaration of intent is in effect, the agricultural land transfer tax that would have been payable at the date of transfer is due plus interest at an annual rate of 12%.

(3) The tax and interest due under paragraph (2) of this subsection are a lien on the agricultural land that was transferred. The lien is due on the earlier date of:

(i) the next date on which property tax on the agricultural land is due under § 10-102 of this article; or

(ii) the date of the next transfer of any part of the agricultural land.

(E) (1) AN INSTRUMENT OF WRITING THAT TRANSFERS TITLE TO LESS THAN 20 ACRES OF AGRICULTURAL LAND THAT IS ELIGIBLE FOR FARM OR AGRICULTURAL USE ASSESSMENT UNDER § 8-209 OF THIS ARTICLE IS SUBJECT TO THE AGRICULTURAL LAND TRANSFER TAX AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, IF THE TRANSFEREE:

(I) FILES WITH THE SUPERVISOR BEFORE THE TRANSFER A DECLARATION OF INTENT TO FARM THE LAND THAT SPECIFIES THAT PART OF THE AGRICULTURAL LAND:

1. WILL REMAIN IN FARM OR AGRICULTURAL USE FOR AT LEAST 5 FULL CONSECUTIVE TAXABLE YEARS; AND

2. IS REASONABLY EXPECTED TO PRODUCE AN AVERAGE ANNUAL GROSS INCOME OF \$2,500 BASED ON THE NATURE OR TYPE OF AGRICULTURAL ACTIVITY TOGETHER WITH THE AMOUNT OF LAND THAT IS IN FARM OR AGRICULTURAL USE; AND