

(c) Assure that the net proceeds of the auction are applied as provided in this title (§ 6-106).

(4) Failure of the auctioneer to perform any of these duties does not affect the validity of the sale or the title of the purchasers, but if the auctioneer knows that the auction constitutes a bulk transfer such failure renders the auctioneer liable to the creditors of the transferor as a class for the sums owing to them from the transferor up to but not exceeding the net proceeds of the auction. If the auctioneer consists of several persons their liability is joint and several.

Article - Tax - General

11-505.

(a) [In this section, "bulk sale" means an assignment, sale, or transfer in which any part of the whole of a stock of merchandise or fixtures or both that relate to the conduct of the business of the vendor, transferor, or assignor is sold other than in the ordinary course of trade or in the regular prosecution of business.

(b) An assignee, buyer, or transferee shall mail to the Comptroller a notice of a proposed bulk sale by certified mail at least 10 days before the buyer:

(1) takes possession of the tangible personal property sold; or

(2) pays for the tangible personal property sold.

(c) The notice of bulk sale under subsection (b) of this section shall:

(1) state the price, terms, and conditions of the proposed sale; and

(2) be mailed to the Comptroller whether or not the vendor, transferor, or assignor:

(i) represents to or informs the buyer that the vendor, transferor, or assignor owes any sales and use tax; or

(ii) A TRANSFEREE OR AUCTIONEER IN A BULK TRANSFER, AS DEFINED IN § 6-102 OF THE COMMERCIAL LAW ARTICLE, SHALL MAIL TO THE COMPTROLLER THE NOTICE TO CREDITORS, AS REQUIRED IN §§ 6-107 AND 6-108 OF THE COMMERCIAL LAW ARTICLE, WHETHER OR NOT:

(1) THE TRANSFEROR LISTS THE COMPTROLLER AS A CREDITOR; OR