

1. IN WHICH MONEY OR PROPERTY IS OBTAINED FROM A PERSON BY THEFT, EMBEZZLEMENT, FALSE PRETENSES, OR FORGERY; OR

2. THAT CONSTITUTES FRAUD OR MISREPRESENTATION.

(B) LIMITATION ON RECOVERY.

THE AMOUNT RECOVERED FOR ANY CLAIM AGAINST THE GUARANTY FUND MAY NOT EXCEED \$25,000 FOR EACH CLAIM.

(C) EXCLUDED CLAIMS.

(1) A PERSON MAY NOT RECOVER FROM THE GUARANTY FUND FOR ANY LOSS THAT RELATES TO:

(I) THE PURCHASE OF ANY INTEREST IN A LIMITED PARTNERSHIP THAT IS FORMED FOR THE PURPOSE OF INVESTMENT IN REAL ESTATE;

(II) A JOINT VENTURE THAT IS PROMOTED BY A LICENSED REAL ESTATE BROKER, A LICENSED ASSOCIATE REAL ESTATE BROKER, OR LICENSED REAL ESTATE SALESPERSON FOR THE PURPOSE OF INVESTMENT IN REAL ESTATE BY 2 OR MORE INDIVIDUALS; OR

(III) THE PURCHASE OF COMMERCIAL PAPER THAT IS SECURED BY REAL ESTATE.

(2) A CLAIM UNDER THE GUARANTY FUND MAY NOT BE FILED BY:

(I) THE SPOUSE OF THE LICENSEE OR THE UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM; OR

(II) THE PERSONAL REPRESENTATIVE OF THE SPOUSE OF THE LICENSEE OR THE UNLICENSED EMPLOYEE ALLEGED TO BE RESPONSIBLE FOR THE ACT OR OMISSION GIVING RISE TO THE CLAIM.

(D) LIMITATIONS PERIOD.

A CLAIM UNDER THIS SUBTITLE SHALL BE FILED WITH THE COMMISSION WITHIN 3 YEARS AFTER THE CLAIMANT DISCOVERS OR, BY THE EXERCISE OF ORDINARY DILIGENCE, SHOULD HAVE DISCOVERED THE LOSS OR DAMAGE.

SUBCOMMITTEE COMMENT: Subsections (a) and (b) of this section are new language derived without substantive change from the first sentence of former Art. 56, § 217A(a)(1), except as it related to establishing and maintaining the Guaranty Fund.