

ratio to the then current FAIR MARKET 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.

[(b)](D) (1) The Department shall cause notice of [this] THE STATE'S right of recovery to be recorded in the land records of the county or Baltimore City in which the property is located before the State makes any funds available for the approved project.

(2) The recording of the notice shall not create any lien against the property; however, it shall constitute notice to any potential transferee, potential creditor, or other interested party of the possibility that the State may obtain a lien under this subtitle.

[(c)](E) (1) In THE EVENT OF A FAILURE TO COMPLETE THE PROJECT OR COMMENCE OPERATIONS OF THE FACILITY AS DESCRIBED IN SUBSECTION (B) OF THIS SECTION, OR IN the event of an alleged sale or transfer as described in subsection [(b)] (C) of this section, or in the event that a property is alleged to have ceased to be a "facility" as defined in this subtitle, the Secretary of the Board of Public Works may AUTHORIZE THE DEPARTMENT TO file, in the circuit court of the county or Baltimore City in which the property is located, a claim under this subtitle (styled as a civil action against the owner of the property and any other interested parties, including any transferor that the State wishes to make a party), together with a sworn affidavit stating facts on which the allegations of default are based, as well as a detailed justification of the amount claimed.

(2) If the circuit court determines from the State's initial filing that there is probable cause to believe that a default has occurred, the court shall authorize a temporary lien on the property, in the amount of the State's claim, plus any additional amount estimated to be necessary to cover the costs and reasonable attorney's fees incurred by the State, or other amounts as the court determines to be reasonable, pending full determination of the State's claim.

(3) The temporary lien takes effect on the date of the court's authorization if the [Secretary of the Board of Public Works] STATE records a notice of temporary lien in the land records of the county or Baltimore City in which the property is located within 10 days thereafter; otherwise, the temporary lien takes effect on the date a notice of temporary lien is recorded. While the temporary lien is in effect, neither the owner nor any person who acquired an interest in the property after the State first made funds available in connection with the property under this subtitle may take any action that would affect the title to the property or institute any proceedings to enforce a security interest or other similar rights in the property, without the prior written consent of the State.

(4) The owner of the property or any other interested party may obtain release of this temporary lien at any time by filing with the court a bond securing the payment in full of the State's claim any additional amount necessary to cover the costs and reasonable attorneys' fees incurred by the State. The owner or other interested party may cause the release to be recorded in the land records.