

2. THE RESIDENCE WILL BE OCCUPIED BY THE GRANTEE AS THE GRANTEE'S PRINCIPAL RESIDENCE; OR

(II) 1. THE GRANTEE IS A CO-MAKER OR GUARANTOR OF A PURCHASE MONEY MORTGAGE OR PURCHASE MONEY DEED OF TRUST AS DEFINED IN § 12-108(I) OF THIS TITLE FOR THE PROPERTY; AND

2. THE GRANTEE WILL NOT OCCUPY THE RESIDENCE AS THE CO-MAKER'S OR GUARANTOR'S PRINCIPAL RESIDENCE.

13-203.

(a) Except as provided in subsection (b) of this section, the rate of the transfer tax is 0.5% of the consideration payable for the instrument of writing. The consideration includes the amount of any mortgage or deed of trust assumed by the grantee.

(b) [(1) The transfer tax does not apply to the first \$30,000 of the consideration payable for an instrument of writing for residentially improved owner-occupied real property, provided that the instrument of writing is accompanied by a statement under oath signed by the grantee that the residence will be occupied by the grantee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the exemption provided under paragraph (1) of this subsection shall be applied against the grantee's transfer tax payment required under this section.

(ii) If the grantor has agreed, by contract, to pay the entire State transfer tax, the exemption provided under paragraph (1) of this subsection shall be applied against the grantor's transfer tax payment required under this section.]

(1) IN THIS SUBSECTION, "FIRST-TIME MARYLAND HOME BUYER" MEANS AN INDIVIDUAL WHO HAS NEVER OWNED IN THE STATE RESIDENTIAL REAL PROPERTY THAT HAS BEEN THE INDIVIDUAL'S PRINCIPAL RESIDENCE.

(2) IF THERE ARE TWO OR MORE GRANTEES, THIS SUBSECTION DOES NOT APPLY UNLESS EACH GRANTEE IS A FIRST-TIME MARYLAND HOME BUYER OR A CO-MAKER OR GUARANTOR OF A PURCHASE MONEY MORTGAGE OR PURCHASE MONEY DEED OF TRUST AS DEFINED IN § 12-108(I) OF THIS TITLE ARTICLE FOR THE PROPERTY AND THE CO-MAKER OR GUARANTOR WILL NOT OCCUPY THE RESIDENCE AS THE CO-MAKER'S OR GUARANTOR'S PRINCIPAL RESIDENCE.

(3) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, FOR A SALE OF IMPROVED RESIDENTIAL REAL PROPERTY TO A FIRST-TIME MARYLAND HOME BUYER WHO WILL OCCUPY THE PROPERTY AS A PRINCIPAL RESIDENCE, THE RATE OF THE TRANSFER TAX IS 0.25% OF THE CONSIDERATION PAYABLE FOR THE INSTRUMENT OF WRITING AND THE TRANSFER TAX SHALL BE PAID ENTIRELY BY THE SELLER UNLESS THERE IS AN EXPRESS AGREEMENT BETWEEN THE PARTIES TO THE AGREEMENT THAT THE TRANSFER TAX WILL NOT BE PAID ENTIRELY BY THE SELLER.