

5.05. Sale or transfer of lots in unapproved subdivisions[; special provisions as to Charles, St. Mary's, Frederick, and Carroll Counties].

(a) Except as provided in [subsections (b) through (d) of this section] §§ 14.03(C), 14.05(F), 14.06(D), AND 14.07(E) AND (F) OF THIS ARTICLE, [whoever, being the] AN owner or agent of [the] AN owner of [any] land located within a subdivision WHO transfers or sells or agrees to sell or negotiate to sell any land by reference [to or] TO, exhibition [of] OF, or [by] other use of a plat of a subdivision[,] before the plat has been approved by the planning commission and recorded or filed in the office of the appropriate county clerk, shall [forfeit and pay] BE SUBJECT TO a civil penalty of not less than \$200 and not [more than] EXCEEDING \$1,000 [in the discretion of the court,] for each lot or parcel [so] transferred or sold or agreed or negotiated to be sold[; and the].

(B) THE description of [the] A lot or parcel by metes and bounds in the instrument of transfer or other document used in the process of selling or [transfer or other document used in the process of selling or] transferring [shall] DOES not exempt the transaction from the penalties or [from] the remedies [herein] provided IN THIS SECTION.

(C) [The county or municipal corporation.] A LOCAL JURISDICTION MAY SEEK TO:

(1) [may enjoin] ENJOIN the [transfer or sale] TRANSFER, SALE, or agreement [by action for injunction brought] in any court of [equity jurisdiction] EQUITY; or

(2) [may recover] RECOVER the penalty by civil action in [any] A court of competent jurisdiction.

DRAFTER'S NOTE: This section is derived without substantive change from former § 5.05(a) of this article.

Former subsection (b) of this section as it related to Charles County is transferred without substantive change to § 14.05(f) of this article.

Former subsection (b) of this section as it related to St. Mary's County is added without substantive change to § 14.07(e) of this article.

Former subsection (c) of this section, as it related to Carroll County, is transferred without substantive change to § 14.03(c) of this article.

Former subsection (c) of this section, as it related to Frederick County, is added without substantive change to § 14.06(d) of this article.

In subsection (c) of this section, the defined term "local jurisdiction" is substituted for the former reference to "county or municipal corporation" for consistency throughout the article.

Former subsection (d) of this section is transferred without substantive change to § 14.07(f) of this article.