

title" – which revises former Art. 27, § 297(k)(3)(iv) – is substituted for the former erroneous reference to "(k)(2)(iv) of this section" for accuracy.

Also in subsection (f) of this section, the former reference to a forfeiture "to be discharged by payment of the amount of the bond, on which judgment may issue" is deleted as implicit in this subsection.

The Criminal Procedure Article Review Committee notes, for consideration by the General Assembly, that subsection (e)(4) of this section varies from subsection (a)(4) of this section. Subsection (e)(4) of this section states that "[i]f a criminal action is not pending or a forfeiture complaint has not been filed, the bond shall be filed in the circuit court or District Court where the property was seized". Under the same conditions, however, subsection (a)(4) of this section requires that an owner who wishes to obtain possession of property must notify only the circuit court.

Defined terms: "County" § 1-101

"Forfeiting authority" § 12-101

"Lien" § 12-101

"Lienholder" § 12-101

"Owner" § 12-101

"Person" § 1-101

"Proceeds" § 12-101

"Property" § 12-101

"Real property" § 12-101

#### 12-209. SEIZURE OF REAL PROPERTY.

SEIZURE OF REAL PROPERTY OCCURS ON THE EARLIER OF THE FILING:

- (1) OF A COMPLAINT FOR FORFEITURE UNDER THIS TITLE; OR
- (2) OF A NOTICE OF PENDING LITIGATION IN THE CIRCUIT COURT OF THE COUNTY WHERE THE REAL PROPERTY IS LOCATED.

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 27, § 297(m)(4).

In item (2) of this section, the reference to a "notice of pending litigation" is substituted for the former reference to "lis pendens" for clarity.

Also in item (2) of this section, the reference to the circuit court of the "county" is substituted for the former reference to the circuit court of the "jurisdiction" for clarity.

Defined terms: "County" § 1-101

"Real property" § 12-101

#### 12-210. POSSESSION OF SEIZED REAL PROPERTY BY OWNERS OR TENANTS.

- (A) RIGHT TO POSSESS UNTIL FORFEITURE.