

Also in subsection (b)(1) of this section, the former reference to the "circuit" court is deleted as unnecessary in light of subsection (a)(1) of this section, which provides for the filing of an action for recovery in the "circuit" court.

In subsection (c)(1)(ii) of this section, the phrase "if the Secretary fails to record the notice within 10 days" is substituted for the former word "otherwise" for clarity.

In subsection (d)(1) of this section, the reference to the "amount described in subsection (b)(2) of this section" is substituted for the former reference to the "State's claim and any additional amount necessary to cover the costs and reasonable attorneys' fees incurred by the State" to avoid the repetition of the specific amounts described in subsection (b)(2) of this section.

Defined term: "County" § 1-101

9-408. PRIORITY OF PROCEEDINGS; FINAL JUDGMENT; LIEN.

(A) PRIORITY OF PROCEEDINGS.

PROCEEDINGS TO DETERMINE THE STATE'S RIGHT TO RECOVER AND THE AMOUNT OF ITS RECOVERY UNDER THIS SUBTITLE HAVE PRIORITY OVER OTHER CIVIL PROCEEDINGS IN THE CIRCUIT COURT.

(B) FINAL JUDGMENT; LIEN.

(1) AFTER A FULL ADVERSARY PROCEEDING, IF THE COURT FINDS THAT A DEFAULT DESCRIBED IN § 9-406(A) OF THIS SUBTITLE HAS OCCURRED, THE COURT SHALL ISSUE A FINAL JUDGMENT FOR THE AMOUNT THE COURT FINDS TO BE RECOVERABLE BY THE STATE.

(2) ALL PARTIES INVOLVED IN THE DEFAULT, INCLUDING THE OWNER OF THE PROPERTY, SHALL BE HELD JOINTLY AND SEVERALLY LIABLE TO THE STATE FOR THE AMOUNT OF THE JUDGMENT.

(3) IF THE COURT DOES NOT FIND THAT A DEFAULT DESCRIBED IN § 9-406(A) OF THIS SUBTITLE HAS OCCURRED OR IF THE COURT'S JUDGMENT IS PAID IN FULL TO THE STATE WITHIN 30 DAYS AFTER THE COURT'S FINAL ORDER, ANY TEMPORARY LIEN SHALL BE RELEASED IMMEDIATELY AND THE SECRETARY OF THE BOARD OF PUBLIC WORKS SHALL CAUSE THE RELEASE TO BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(4) (I) IF THE JUDGMENT REMAINS UNPAID FOR MORE THAN 30 DAYS AFTER THE COURT'S FINAL ORDER, THE AMOUNT SHALL BE A LIEN ON THE PROPERTY.

(II) UNLESS THE STATE PROVIDES OTHERWISE IN A WRITTEN SUBORDINATION AGREEMENT, THE LIEN IS SUPERIOR TO A LIEN OR OTHER INTEREST OF ANY MORTGAGEE, PLEDGEE, PURCHASER, OR JUDGMENT CREDITOR WHOSE INTEREST BECAME PERFECTED AGAINST THIRD PERSONS AFTER THE STATE AWARDED A GRANT.