

LEASE, OR ANY PART THEREOF, WHO SHALL NOT BE IN POSSESSION, SO AS SUCH MORTGAGEE SHALL AND DO, WITHIN SIX CALENDAR MONTHS AFTER SUCH JUDGMENT OBTAINED AND EXECUTION EXECUTED, PAY ALL COSTS AND DAMAGES SUSTAINED BY THE LANDLORD AND PERFORM ALL THE COVENANTS AND AGREEMENTS WHICH, ON THE PART AND BEHALF OF THE FIRST TENANT, ARE AND OUGHT TO BE PERFORMED.

REVISOR'S NOTE: Although the provisions of Subtitle 4 are disorganized, archaic, confusing, and inconsistent, the Commission decided not to make any changes. stylistic or otherwise, since the most needed changes involve substantive provisions and policy questions. The Commission recommends that the General Assembly enact legislation to eliminate some of the ambiguities and inequities that currently afflict Subtitle 4. Some of the more salient problems in Subtitle 4 are set forth below.

1) Subtitle 4 applies to both residential and commercial leases. Due to the different nature of these leases, some thought should be given to establishing different procedures for residential and commercial leases as well as different procedural time periods.

2) In §§8-401 and 8-402, it is unclear who is the defendant. If there is a subtenant under a lease, does the plaintiff have to name both the tenant and subtenant as defendant, or may he chose one?

3) The present law is unclear whether the District Court shall issue the summons to every person with an interest in the property or merely to the tenant.

4) The present provision for a trial on the second day after a summons is issued is inequitable. Likewise, the provisions of §8-401(c) prohibiting an adjournment exceeding one day also appears unreasonable.

5) With respect to the issuance of a summons, the present law does not provide for the issuance of the summons to the defendant, but provides that the county official shall serve the summons and that service of the summons is unnecessary if the defendant is notified by first class mail or the property is posted. This provision should be clarified, there should be some assurance of the correct