

OR HIS PREDECESSOR'S ADVERSE POSSESSION FOR THE STATUTORY PERIOD, WHEN HIS TITLE TO THE PROPERTY IS DENIED OR DISPUTED, OR WHEN ANY OTHER PERSON CLAIMS, OF RECORD OR OTHERWISE TO OWN THE PROPERTY, OR ANY PART OF IT, OR TO HOLD ANY LIEN ENCUMBRANCE ON IT, REGARDLESS OF WHETHER OR NOT THE HOSTILE OUTSTANDING CLAIM IS BEING ACTIVELY ASSERTED, AND IF AN ACTION AT LAW OR PROCEEDING IN EQUITY IS NOT PENDING TO ENFORCE OR TEST THE VALIDITY OF THE TITLE, LIEN, ENCUMBRANCE, OR OTHER ADVERSE CLAIM, THE PERSON MAY MAINTAIN A SUIT IN EQUITY IN THE COUNTY WHERE THE PROPERTY LIES TO QUIET OR REMOVE ANY CLOUD FROM THE TITLE, OR DETERMINE ANY ADVERSE CLAIM.

(B) PROCEEDING.

THE PROCEEDING SHALL BE DEEMED IN REM OR QUASI IN REM SO LONG AS THE ONLY RELIEF SOUGHT IS A DECREE THAT THE PLAINTIFF HAS ABSOLUTE OWNERSHIP AND THE RIGHT OF DISPOSITION OF THE PROPERTY, AND AN INJUNCTION AGAINST THE ASSERTION BY THE PERSON NAMED AS THE PARTY DEFENDANT, OF HIS CLAIM BY ANY ACTION AT LAW OR OTHERWISE. ANY PERSON WHO APPEARS OF RECORD, OR CLAIMS TO HAVE A HOSTILE OUTSTANDING RIGHT, SHALL BE MADE A DEFENDANT IN THE PROCEEDINGS.

REVISOR'S NOTE: This section presently appears as Art. 21, §14-108 of the Code. It is divided into subsections for organizational purposes. The only other changes are in style.

14-109. EJECTMENT WHEN GRANTOR REMAINS IN POSSESSION AFTER DELIVERY OF DEED AND IN VIOLATION OF AGREEMENT.

(A) IN GENERAL.

THE DISTRICT COURT HAS JURISDICTION IN ANY CASE IN WHICH IT APPEARS THAT THE GRANTOR HAS REMAINED IN POSSESSION OF THE PROPERTY, IN VIOLATION OF A WRITTEN AGREEMENT TO DELIVER POSSESSION AT A TIME STATED IN THE AGREEMENT, AFTER DELIVERY OF A DEED FOR THE PROPERTY. IF THE GRANTOR FAILS OR REFUSES TO SURRENDER THE PREMISES IN ACCORDANCE WITH THE AGREEMENT, THE GRANTEE MAY COMPLAIN IN WRITING TO THE DISTRICT COURT IN THE COUNTY WHERE THE PREMISES ARE LOCATED. THE COURT IMMEDIATELY SHALL ISSUE A SUMMONS TO THE GRANTOR COMMANDING HIM TO APPEAR ON THE DAY NAMED TO SHOW CAUSE WHY POSSESSION OF THE PREMISES IN DISPUTE SHOULD NOT BE GRANTED TO THE GRANTEE. NOTWITHSTANDING ANY CONTRARY PROVISION OF LAW OR LOCAL LAW, IF THE COURT FINDS THAT THE FACTS SET FORTH IN THE COMPLAINT ARE TRUE, IT SHALL GIVE JUDGMENT FOR IMMEDIATE POSSESSION, AND THE COURT SHALL ISSUE ITS WARRANT TO THE SHERIFF COMMANDING HIM TO DELIVER POSSESSION OF THE PREMISES TO THE GRANTEE.