

§1603-116. Lien for assessments

(a) The association has a lien on a unit for any assessment levied against that unit or fines imposed against its unit owner from the time the assessment or fine becomes due. The association's lien may be foreclosed in like manner as a mortgage on real estate. Unless the declaration otherwise provides, fees, charges, late charges, fines and interest charged pursuant to section 1603-102, subsection (a), paragraphs (10), (11) and (12) are enforceable as assessments under this section. If an assessment is payable in installments, the full amount of the assessment is a lien from the time the first installment thereof becomes due. [PL 1981, c. 699 (NEW).]

(b) A lien under this section is prior to all other liens and encumbrances on a unit except: (1) Liens and encumbrances recorded before the recordation of the declaration; (2) A first mortgage recorded before or after the date on which the assessment sought to be enforced becomes delinquent; and (3) Liens for real estate taxes and other governmental assessments or charges against the unit. This subsection does not affect the priority of mechanics' or materialmen's liens, or the priority of liens for other assessments made by the association. The lien under this section is not subject to the provisions of Title 14, section 4651 and Title 18-C, Article 2, as they or their equivalents may be amended or modified from time to time. [PL 2017, c. 402, Pt. C, §90 (AMD); PL 2019, c. 417, Pt. B, §14 (AFF).]

(c) Unless the declaration otherwise provides, if 2 or more associations have liens for assessments created at any time on the same real estate, those liens have equal priority. [PL 1981, c. 699 (NEW).]

(d) Recording of the declaration constitutes record notice and perfection of the lien. No further recordation of any claim of lien for assessment under this section is required. [PL 1981, c. 699 (NEW).]

(e) A lien for unpaid assessments is extinguished unless proceedings to enforce the lien are instituted within 6 years after the full amount of the assessments becomes due. [PL 2019, c. 3, §1 (AMD).]

(f) This section does not prohibit actions to recover sums for which subsection (a) creates a lien, or to prohibit an association from taking a deed in lieu of foreclosure. [PL 1981, c. 699 (NEW).]

(g) A judgment or decree in any action or suit brought under this section shall include costs and reasonable attorney's fees for the prevailing party. [PL 1981, c. 699 (NEW).]

(h) The association shall furnish to a unit owner upon written request a recordable statement setting forth the amount of unpaid assessments currently levied against his unit. The statement shall be furnished within 10 business days after receipt of the request and is binding on the association, the executive board and every unit owner. [PL 1981, c. 699 (NEW).]

(i) (REALLOCATED FROM T. 33, §1603-116, sub-§(j)) Assessments for common expenses accrue, free from the lien of a foreclosing first mortgagee, from and after the date of sale of a condominium unit pursuant to Title 14, section 6323. [RR 2011, c. 1, §47 (RAL).]

(j) (Subsection (j) as enacted by PL 2011, c. 368, §7 is REALLOCATED TO TITLE 33, SECTION 1603-116, SUBSECTION (i)) [RR 2011, c. 1, §47 (RAL).]

SECTION HISTORY

PL 1981, c. 699 (NEW). PL 1983, c. 78, §3 (AMD). PL 1983, c. 480, §A38 (AMD). PL 1983, c. 816, §A40 (AMD). RR 2011, c. 1, §47 (COR). PL 2011, c. 368, §§6, 7 (AMD). PL 2017, c. 402, Pt. C, §90 (AMD). PL 2017, c. 402, Pt. F, §1 (AFF). PL 2019, c. 3, §1 (AMD). PL 2019, c. 417, Pt. B, §14 (AFF).

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