

**10 QUESTIONS A REALTOR SHOULD ASK BEFORE LISTING AN
AGRICULTURAL PROPERTY FOR SALE**

1. Is this property assessed agriculturally? If so, is the entire property (or a portion) covered by a Maryland Agricultural Land Preservation Foundation (MALPF) easement? If so, the buyer must be notified of the existence of the easement and should be provided with contact information for the Foundation. (See Fact Sheet #13 Subsequent Owners of Agricultural Preservation Properties). If no MALPF easement, no more questions. If there is a MALPF easement, please continue.
2. Are you or do you know the name of the original landowner who sold the easement to MALPF? What is the liber/folio of the recorded easement document?
3. Is the property for sale a portion of a larger easement property? If yes, please contact MALPF right away to determine if this sale of a portion of the easement property has been authorized.
4. There are significant restrictions associated with constructing houses and permitting lots to be separated from the MALPF easement properties. If the property for sale includes the right to construct any new homes on the easement property, a separate buildable lot, or the ability to subdivide an existing dwelling on the property, contact MALPF to confirm this is accurate. Original owners of easements have different rights than subsequent owners, so need to confirm with MALPF what residential rights are actually transferable to a new owner.
5. Is the property for sale a residential lot that was subdivided from a farm that is covered by a MALPF easement? If so, follow instructions for #4 above.
6. Is there a dwelling that existed prior to the easement on the property? If so, is it being sold along with the property? If a dwelling exists and it is not being sold along with the remainder of the property, please have the landowner contact the Foundation immediately.
7. Is there a tenant house on the property? If yes, please contact MALPF to learn the restrictions and requirements that are associated with tenant houses.
8. Did you obtain a copy of the recorded Deed of Easement to familiarize yourself and any potential buyer of the restrictions of the easement?
9. Do you know that during the 2007 Legislative Session, the General Assembly passed HB 465 which gives a purchaser the right to rescind a contract for the sale of property encumbered by a conservation easement if the seller fails to give the purchaser a copy of the easement within a certain time, among other things (see copy attached)?
10. Have you made every attempt to identify whether or not an easement exists on a property prior to settlement and contacted the program responsible for holding the easement?

Please contact the MALPF office at 410-841-5860. You may visit our website at malpf.info.