

HOUSE BILL 180

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2004 Regular Session
(41r0042)

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by **Chairman, Environmental Matters Committee (By Request -
Departmental - Assessments and Taxation)**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this
____ day of _____ at _____ o'clock, ____ M.

Speaker.

CHAPTER 40

1 AN ACT concerning

2 **Real Property - Expedited Recordation of Deeds and Instruments of Writing**

3 FOR the purpose of repealing ~~the a certain prohibition requirement~~ against recording
4 certain instruments transferring ownership of real property in certain counties,
5 ~~under certain circumstances~~, until the property granted is transferred on the
6 assessment rolls of the county where the property is located under certain
7 circumstances; ~~requiring a clerk of the circuit court to refuse to record certain~~
8 ~~instruments of writing under certain circumstances~~; authorizing the clerks of
9 the circuit courts, the Administrative Office of the Courts, the State Department
10 of Assessments and Taxation, and the local collectors of tax to formulate certain
11 procedures regarding the recordation of instruments; providing for a delayed
12 effective date; and generally relating to the process of recording deeds and other
13 instruments of writing ~~in certain counties~~.

14 BY repealing and reenacting, with amendments,
15 Article - Real Property

1 Section 3-104(a) ~~and (g)~~
2 Annotated Code of Maryland
3 (2003 Replacement Volume and 2003 Supplement)

4 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
5 MARYLAND, That the Laws of Maryland read as follows:

6 **Article - Real Property**

7 3-104.

8 (a) (1) [Except as provided in paragraph (2) of this subsection, a deed or
9 other instrument which effects a change of ownership on the assessment books under
10 the Tax - Property Article may not be recorded until the property granted is
11 transferred on the assessment books or records of the county where the property is
12 located to the grantee or assignee named in the deed or other instrument. When
13 submitting the deed or other instrument for transfer on the assessment books, the
14 person offering the deed or other instrument, on request, shall mail or deliver to the
15 person having charge of the assessment books, a statement of any building and
16 improvement on the property granted. When the property is transferred on the
17 assessment books, the person recording the transfer shall evidence the fact of transfer
18 on the deed or other instrument. This endorsement is sufficient to authorize the
19 recording of the deed or other instrument by the clerk of the appropriate court.

20 (2) (i) The provisions of this paragraph apply only in the following
21 counties:

- 22 1. Baltimore County;
- 23 2. Carroll County;
- 24 3. Cecil County;
- 25 4. Charles County;
- 26 5. Dorchester County;
- 27 6. Harford County;
- 28 7. Howard County;
- 29 8. Montgomery County;
- 30 9. St. Mary's County;
- 31 10. Washington County; and
- 32 11. Worcester County.

1 (ii) The Clerk of the Circuit Court may record an instrument that
2 effects a change of ownership if the instrument is:

3 [1.] (I) Endorsed with the certificate of the collector of taxes
4 of the county in which the property is assessed, required under subsection (b) of this
5 section; and

6 [2.] (II) Accompanied by:

7 [A.] 1. A complete intake sheet; and

8 [B.] 2. A copy of the instrument, and any survey, for
9 submission to the Department of Assessments and Taxation.

10 [(iii)] (2) The Supervisor of Assessments shall transfer ownership of
11 property in the assessment records, effective as of the date of recordation, upon
12 receipt from the Clerk of the Circuit Court of a copy of the instrument, the completed
13 intake sheet, and any survey submitted under [subparagraph (ii) of this paragraph]
14 PARAGRAPH (1) OF THIS SUBSECTION.

15 ~~(g) (1) This subsection does not apply to:~~

16 ~~(i) An assignment of a mortgage or if presented for recordation, an~~
17 ~~assignment of a deed of trust;~~

18 ~~(ii) A release of a deed of trust or mortgage;~~

19 ~~(iii) A substitution of trustees on a deed of trust;~~

20 ~~(iv) A power of attorney; or~~

21 ~~(v) A financing statement or an amendment, continuation, release,~~
22 ~~or termination of a financing statement recorded in land records.~~

23 ~~(2) Except as provided in paragraph (1) of this subsection, each deed or~~
24 ~~other instrument affecting property and presented for recordation shall be~~
25 ~~accompanied by a complete intake sheet, on the form that the Administrative Office of~~
26 ~~the Courts provides.~~

27 ~~(3) A complete intake sheet shall:~~

28 ~~(i) Describe the property by at least one of the following property~~
29 ~~identifiers:~~

30 ~~1. The property tax account identification number, if any, or~~
31 ~~in Montgomery County, any parcel identifier required under § 3-501 of this title, if~~
32 ~~different from the tax account number;~~

33 ~~2. The street address, if any;~~

1 SECTION 2. AND BE IT FURTHER ENACTED, That the clerks of the circuit
2 courts, the Administrative Office of the Courts, the State Department of Assessments
3 and Taxation, and the local collectors of the taxes may formulate the procedure
4 governing recordation of instruments as authorized under this Act, so as to simplify
5 the procedures for recordation of instruments while ensuring the integrity of the land
6 and assessment records.

7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 ~~January~~ July 1, 2005.