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By: **Delegate Arnick**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Recordation of Deeds and Instruments of Writing -**  
 3 **Requirements**

4 FOR the purpose of altering certain certification requirements for recordation of  
 5 deeds and other instruments of writing; providing a certain exception to certain  
 6 certification requirements for recordation of deeds and other instruments under  
 7 certain circumstances; repealing a certain requirement that deeds and other  
 8 instruments recorded in Talbot County display certain information; defining a  
 9 certain term; and generally relating to requirements for the recordation of deeds  
 10 and other instruments of writing.

11 BY repealing and reenacting, with amendments,  
 12 Article - Real Property  
 13 Section 3-104(f)  
 14 Annotated Code of Maryland  
 15 (2003 Replacement Volume and 2004 Supplement)

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

18 **Article - Real Property**

19 3-104.

20 (f) (1) (I) IN THIS PARAGRAPH, "ATTORNEY AT LAW" MEANS AN  
 21 ATTORNEY AUTHORIZED TO PRACTICE LAW BEFORE THE COURT OF APPEALS OF  
 22 MARYLAND.

23 (II) [No] EXCEPT AS PROVIDED IN SUBPARAGRAPH (III) OF THIS  
 24 PARAGRAPH, NO deed, mortgage, or deed of trust may be recorded unless:

25 1. [it] IT bears the certification of an attorney at law that  
 26 the instrument:

27 A. [has] HAS been prepared by an attorney AT LAW;

1 B. [or] HAS BEEN PREPARED under [an attorney's  
2 supervision,] THE SUPERVISION OF AN ATTORNEY AT LAW; OR

3 C. HAS BEEN REVIEWED BY AN ATTORNEY AT LAW; or

4 2. [a] IT BEARS THE certification OF A PARTY NAMED IN THE  
5 INSTRUMENT that the instrument was prepared by [one of the parties named in the  
6 instrument] THAT PARTY.

7 (III) THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS  
8 PARAGRAPH DO NOT APPLY TO AN INSTRUMENT TRANSMITTED ELECTRONICALLY  
9 OR BY FACSIMILE TO A TITLE INSURANCE PRODUCER, TITLE INSURER, SETTLEMENT  
10 AGENT, OR SETTLEMENT ATTORNEY IF THE TITLE INSURANCE PRODUCER, TITLE  
11 INSURER, SETTLEMENT AGENT, OR SETTLEMENT ATTORNEY ATTACHES TO THE  
12 INSTRUMENT A CERTIFICATION THAT THE INSTRUMENT WAS RECEIVED  
13 ELECTRONICALLY OR BY FACSIMILE TRANSMISSION.

14 (2) Every deed recorded in Prince George's County shall contain a  
15 reference to the election district in which the property described in the deed is located.

16 [(3) Every deed or other instrument recorded in Talbot County shall have  
17 written, typed, or printed on its back, to be readily visible when folded for filing in the  
18 appropriate drawer or file, the name of every party to the deed or other instrument  
19 and the nature or character of the instrument.]

20 [(4)] (3) No deed granting property lying within the boundaries of any  
21 sanitary district operated by the Worcester County Sanitary Commission may be  
22 accepted by the Clerk of the Circuit Court for recording unless the deed is marked by  
23 the Commission to indicate that every assessment or charge currently due and owed  
24 to the Commission with respect to the property described in the deed has been paid.

25 [(5)] (4) In Frederick County, if the property to be transferred is a  
26 subdivision, which is being dissected from a larger tract of land, then every public tax,  
27 assessment, and charge due on the larger tract shall be paid before the property is  
28 transferred on the assessment books or land records. Notwithstanding any other  
29 provision of this section, in Frederick County the certificate of the Treasurer and the  
30 appropriate municipal tax collector, if the property is within an incorporated town or  
31 city, showing that every tax has been paid shall be endorsed on the deed. The  
32 endorsement is sufficient authority for transfer on the assessment books or land  
33 records.

34 [(6)] (5) Every deed granting a right-of-way or other easement to a  
35 public utility, public agency, or a department or agency of the State shall contain an  
36 accurate and definite description as well as a reference to the liber and folio where the  
37 servient land was granted and a recitation of the grantors, grantees, and the date of  
38 the reference deed.

39 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
40 October 1, 2005.