
By: **Delegate Arnick**

Introduced and read first time: February 11, 2005

Assigned to: Environmental Matters

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 21, 2005

CHAPTER _____

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~~ IN THE STATE BY THE COURT OF
 22 APPEALS OF MARYLAND.

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

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

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

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

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

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

12 (III) THE REQUIREMENTS UNDER SUBPARAGRAPH (II) OF THIS
13 PARAGRAPH DO NOT APPLY TO AN INSTRUMENT SUBMITTED FOR RECORDATION
14 THAT WAS TRANSMITTED ELECTRONICALLY OR BY FACSIMILE TO A TITLE
15 INSURANCE PRODUCER, TITLE INSURER, SETTLEMENT AGENT, OR SETTLEMENT
16 ATTORNEY IF THE TITLE INSURANCE PRODUCER, TITLE INSURER, SETTLEMENT
17 AGENT, OR SETTLEMENT ATTORNEY ATTACHES TO THE INSTRUMENT A
18 CERTIFICATION THAT THE INSTRUMENT WAS RECEIVED ELECTRONICALLY OR BY
19 FACSIMILE TRANSMISSION.

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

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

26 [(4)] (3) No deed granting property lying within the boundaries of any
27 sanitary district operated by the Worcester County Sanitary Commission may be
28 accepted by the Clerk of the Circuit Court for recording unless the deed is marked by
29 the Commission to indicate that every assessment or charge currently due and owed
30 to the Commission with respect to the property described in the deed has been paid.

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

1 [(6)] (5) Every deed granting a right-of-way or other easement to a
2 public utility, public agency, or a department or agency of the State shall contain an
3 accurate and definite description as well as a reference to the liber and folio where the
4 servient land was granted and a recitation of the grantors, grantees, and the date of
5 the reference deed.

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