

Department of Legislative Services
Maryland General Assembly
2005 Session

FISCAL AND POLICY NOTE
Revised

House Bill 1348

(Delegate Arnick)

Environmental Matters

Judicial Proceedings

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

This bill provides that the requirement for an instrument submitted for recordation to bear the certification of an attorney at law does not apply to an instrument submitted for recordation that was transmitted electronically or by facsimile to a title insurance producer, title insurer, settlement agent, or settlement attorney if the receiving person attaches to the instrument a certification that the instrument was received electronically or by facsimile. The bill also repeals a requirement that an instrument recorded in Talbot County have specified information printed on its back.

Fiscal Summary

State Effect: The bill would not materially affect governmental operations or finances.

Local Effect: The bill codifies existing practice regarding the printing of information on instruments submitted for recordation in Talbot County.

Small Business Effect: Minimal.

Analysis

Current Law: A deed, mortgage, or deed of trust must bear the certification of an attorney at law that the instrument has been prepared by an attorney or under an attorney's supervision, or a certification that the instrument was prepared by one of the parties named in the instrument.

In Talbot County, every deed or other instrument recorded must have written, typed, or printed on its back, to be readily visible when folded for filing in the appropriate drawer or file, the name of every party to the deed or other instrument and the nature or character of the instrument.

Background: The Office of the Attorney General advises that Talbot County no longer places deeds in drawers and that the requirement that information be printed on the back of recorded instruments has since become obsolete.

Additional Information

Prior Introductions: None.

Cross File: None.

Information Source(s): State Department of Assessments and Taxation, Judiciary (Administrative Office of the Courts), Office of the Attorney General, Department of Legislative Services

Fiscal Note History: First Reader - March 8, 2005
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