

SENATE BILL 376

N1

7lr2043
CF HB 595

By: **Senator Norman**

Introduced and read first time: January 26, 2017

Assigned to: Judicial Proceedings

Committee Report: Favorable with amendments

Senate action: Adopted

Read second time: March 1, 2017

CHAPTER _____

1 AN ACT concerning

2 ~~**Mortgages and Deeds of Trust – Certification Requirement for Recordation**~~
3 ~~**Repeal Real Property – Certification Requirement for Recordation**~~

4 FOR the purpose of repealing the requirement that a mortgage or deed of trust bear a
5 certain attorney certification or a certification that the instrument was prepared by
6 a certain party in order to be recorded; requiring that a deed or lease bear a certain
7 attorney certification or a certification that the instrument was prepared by a certain
8 party in order to be recorded; providing that the clerk of the circuit court may record
9 a mortgage or deed of trust prepared by one of the parties named in the instrument
10 without a certain certification; making a certain stylistic change; defining certain
11 terms; and generally relating to the recording of mortgages and deeds of trust.

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 3–104(f)(1)
15 Annotated Code of Maryland
16 (2015 Replacement Volume and 2016 Supplement)

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

19 **Article – Real Property**

20 3–104.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 (f) (1) **(I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE**
 2 **THE MEANINGS INDICATED.**

3 **2. A. "DEED" MEANS A WRITTEN INSTRUMENT THAT**
 4 **CONVEYS LEGAL TITLE TO PROPERTY.**

5 **B. "DEED" DOES NOT INCLUDE:**

6 **I. A DEED OF TRUST;**

7 **II. A MORTGAGE;**

8 **III. AN INSTRUMENT OR THE ASSIGNMENT OF AN**
 9 **INSTRUMENT THAT CREATES OR GIVES NOTICE OF A SECURITY INTEREST IN**
 10 **PROPERTY; OR**

11 **IV. AN INSTRUMENT THAT TERMINATES OR PARTIALLY**
 12 **TERMINATES A LIEN CREATED BY A DEED OF TRUST, A MORTGAGE, OR AN**
 13 **INSTRUMENT THAT CREATES OR GIVES NOTICE OF A SECURITY INTEREST.**

14 **3. "UNDER THE ATTORNEY'S SUPERVISION" INCLUDES**
 15 **REVIEW OF AN INSTRUMENT BY THE CERTIFYING ATTORNEY.**

16 **(II) No deed[, mortgage, or deed of trust] OR LEASE may be recorded**
 17 **unless it bears:**

18 **1. ~~the~~ THE certification of an attorney [at law] ADMITTED**
 19 **TO THE BAR OF THIS STATE that the instrument has been prepared by ~~an~~ THE attorney**
 20 **or under ~~an~~ THE attorney's supervision, ~~or a~~; OR**

21 **2. A certification BY A PARTY NAMED IN THE INSTRUMENT**
 22 **that the instrument was prepared by ~~one of the parties named in the instrument~~ THAT**
 23 **PARTY.**

24 **(III) THE CLERK OF THE CIRCUIT COURT MAY RECORD A**
 25 **MORTGAGE OR DEED OF TRUST PREPARED BY ONE OF THE PARTIES NAMED IN THE**
 26 **INSTRUMENT WITHOUT THE CERTIFICATION REQUIRED UNDER SUBPARAGRAPH (II)**
 27 **OF THIS PARAGRAPH.**

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
 29 October 1, 2017.