

Department of Legislative Services
Maryland General Assembly
2017 Session

FISCAL AND POLICY NOTE
Third Reader

Senate Bill 234

(Senator Waugh)

Education, Health, and Environmental Affairs

Environment and Transportation

St. Mary's County - Land Records - Repeal

This bill repeals a provision in the public local laws of St. Mary's County that has been superseded by a provision of State law related to the filing of a deed, mortgage, or deed of trust.

Fiscal Summary

State Effect: The bill does not impact State government operations or finances.

Local Effect: The bill does not impact the operations or finances of the Circuit Court for St. Mary's County.

Small Business Effect: None.

Analysis

Current Law: In St. Mary's County, the clerk of the circuit court is prohibited from accepting for inclusion in the land records any deed, assignment, mortgage, deed of trust, or other document concerning real property unless the instrument was prepared by (1) an attorney licensed to practice in the State; (2) an employee of the attorney; or (3) one of the parties named in the instrument.

Filing in Maryland

Section 3-104(f) of the Real Property Article prohibits the recordation of a deed, mortgage, or deed of trust unless it bears (1) the certification of an attorney that the instrument has

been prepared by an attorney or under an attorney's supervision or (2) a certification that the instrument was prepared by one of the parties named in the instrument.

Background: St. Mary's County advises that the provision in the public local laws of the county that prohibits the Clerk of the Circuit Court for St. Mary's County from accepting land records unless properly prepared has been superseded by State law. Thus, repealing the provision does not impact operations in the county.

Additional Information

Prior Introductions: None.

Cross File: HB 404 (St. Mary's County Delegation) – Environment and Transportation.

Information Source(s): St. Mary's County; Judiciary (Administrative Office of the Courts); Department of Legislative Services

Fiscal Note History: First Reader - January 26, 2017
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