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Judicial Proceedings Committee

Vice Chair, Baltimore County
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THE SENATE OF MARYLAND
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January 23, 2020

The Honorable William C. Smith, Jr.
Senate Judicial Proceedings Committee
2 East Miller Senate Building
11 Bladen Street
Annapolis, Maryland 21401

Re: Senate Bill 154 – Real Property – Recordation of Deeds – Assignments of Rents and Assignments of Leases for Security Purposes

Dear Chairman Smith and Members of the Committee

In 1990, Maryland law was changed to require all Deeds of Trust, Mortgages and Assignments of Rents and Leases tendered for recordation in the Land Records to be accompanied by a certificate of preparation signed by the person who prepared the instrument, generally a lawyer. These days, however, many residential closings are conducted without a lawyer present. With no lawyer present, getting a lawyer to sign a certificate of preparation has presented logistical problems.

As a result, in 2017, the law was amended to provide that Deeds of Trust and Mortgages may be recorded without a certificate of preparation. Somehow, however, the 2017 amendment omitted Assignments of Rents and Leases.

Senate Bill 154, which was brought to me by the Real Property Section of the Maryland State Bar Association, corrects this omission by providing that, like Deeds of Trust and Mortgages, Assignments of Rents and Leases can be recorded without an accompanying certificate of preparation.

I urge the Committee to give Senate Bill 154 a favorable report.