

CHRIS WEST
Legislative District 42
Baltimore County

Judicial Proceedings Committee

Vice Chair, Baltimore County
Senate Delegation



THE SENATE OF MARYLAND
ANNAPOLIS, MARYLAND 21401

Annapolis Office
James Senate Office Building
11 Bladen Street, Room 303
Annapolis, Maryland 21401
410-841-3648 • 301-858-3648
800-492-7122 Ext. 3648
Chris.West@senate.state.md.us

District Office
1134 York Road, Suite 200
Lutherville -Timonium, MD 21093
410-823-7087

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Senate Judicial Proceedings Committee
The Honorable William C. Smith
2 East Miller Senate Building
Annapolis, Maryland 21401-1991

RE: SB 570 – Real Property – Notice of Easements, Covenants, Restrictions, and Conditions - Recordation

Dear Chairman Smith and Members of the Committee:

I am pleased to introduce Senate Bill 570 which aims to address the problem that although easements, covenants, declarations, and the like may last forever, title searchers usually only search back 60 years. Therefore if a restriction was recorded 75 years ago, it would still be effective, but it would not show up on a title search. As a result, people may not know that their property is subject to such a restriction.

Senate Bill 570 would permit, but not require, the notice of an already-recorded Restriction be recorded in the land records. In that way, title searchers would have a heads-up about the old Restriction, which is still effective. The purpose of this legislation is not to change, alter, or extend an old restriction, but just to put a notice in the land records of the existence of existing, effective Restrictions.

The General Assembly passed legislation last year to allow an easement holder to record a more recent notice in the land records referencing back to the original document, thus allowing a title searcher the opportunity to discover the property restriction. However, last year's bill was limited to conservation easements. Senate Bill 570 expands the notice right to all easement and covenant holders.

I ask the committee for a favorable report.