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**By: Delegate McKee**

Introduced and read first time: February 17, 1997

Assigned to: Judiciary

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Actions to Invalidate Confirmatory Deeds for Ingress or Egress**  
3 **Easements - Attorney's Fees**

4 FOR the purpose of allowing a plaintiff in an action to invalidate certain confirmatory  
5 deeds and obtain certain other relief to recover the costs and expenses of litigation,  
6 including reasonable attorney's fees under certain circumstances; and providing for  
7 the applicability of this Act.

8 BY adding to

9 Article - Courts and Judicial Proceedings  
10 Section 7-406  
11 Annotated Code of Maryland  
12 (1995 Replacement Volume and 1996 Supplement)

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

15 **Article - Courts and Judicial Proceedings**

16 7-406.

17 IN AN ACTION TO INVALIDATE A CONFIRMATORY DEED, INCLUDING  
18 OBTAINING OTHER RELIEF DIRECTLY RELATED TO INVALIDATION OF THE DEED, IF  
19 THE COURT FINDS IN FAVOR OF THE PLAINTIFF, THE PLAINTIFF SHALL BE ENTITLED  
20 TO RECOVER THE COSTS AND EXPENSES OF LITIGATION, INCLUDING REASONABLE  
21 ATTORNEY'S FEES, IF THE CONFIRMATORY DEED:

22 (1) WAS RECORDED FOR THE PURPOSE OF CLARIFYING THE LOCATION  
23 OR EXISTENCE OF AN EASEMENT FOR INGRESS OR EGRESS;

24 (2) ERRONEOUSLY DESCRIBED AN EASEMENT FOR INGRESS OR EGRESS  
25 ON LAND IN WHICH THE PLAINTIFF HAS A PROPERTY INTEREST; AND

26 (3) WAS RECORDED WITHOUT THE PLAINTIFF'S CONSENT.

27 SECTION 2. BE IT FURTHER ENACTED, That this Act shall apply to any  
28 confirmatory deed that has been recorded on or before the effective date of this Act and  
29 to any confirmatory deed filed after the effective date of this Act.

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1           SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
2 October 1, 1997.