
By: Senators Baker and Middleton

Introduced and read first time: January 31, 1997

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Recordation**

3 FOR the purpose of providing that certain procedures governing recordation of certain
4 instruments affecting property by the Clerk of the Circuit Court in Harford County
5 prior to transfer of the property on the assessment records apply in certain other
6 counties that elect to be subject to those procedures; establishing certain procedural
7 requirements for counties making an election; requiring the clerk of the circuit
8 court in a county that has made an election to begin recording instruments in
9 accordance with certain procedures after a certain time; making a conforming
10 change; and generally relating to recordation of instruments that effect a change of
11 ownership in property.

12 BY repealing and reenacting, with amendments,

13 Article - Real Property
14 Section 3-104(a)
15 Annotated Code of Maryland
16 (1996 Replacement Volume and 1996 Supplement)

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

19 **Article - Real Property**

20 3-104.

21 (a) (1) Except as provided in paragraph (2) of this subsection, a deed or other
22 instrument which effects a change of ownership on the assessment books under the Tax -
23 Property Article may not be recorded until the property granted is transferred on the
24 assessment books or records of the county where the property is located to the grantee or
25 assignee named in the deed or other instrument. When submitting the deed or other
26 instrument for transfer on the assessment books, the person offering the deed or other
27 instrument, on request, shall mail or deliver to the person having charge of the assessment
28 books, a statement of any building and improvement on the property granted. When the
29 property is transferred on the assessment books, the person recording the transfer shall
30 evidence the fact of transfer on the deed or other instrument. This endorsement is
31 sufficient to authorize the recording of the deed or other instrument by the clerk of the
32 appropriate court.

2

1 (2) (I) THE PROVISIONS OF THIS PARAGRAPH APPLY IN:

2 1. [In] Harford County[:]; AND

3 2. SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
4 ANY OTHER COUNTY IN WHICH THE COUNTY GOVERNING BODY HAS ADOPTED A
5 RESOLUTION ELECTING TO BE SUBJECT TO THE PROCEDURES FOR RECORDATION
6 OF INSTRUMENTS AUTHORIZED UNDER THIS PARAGRAPH.

7 (II) 1. A COUNTY GOVERNING BODY THAT HAS ADOPTED A
8 RESOLUTION ELECTING TO BE SUBJECT TO THE PROCEDURES FOR RECORDATION
9 OF INSTRUMENTS AUTHORIZED UNDER THIS PARAGRAPH SHALL NOTIFY IN
10 WRITING THE STATE DEPARTMENT OF ASSESSMENTS AND TAXATION, THE
11 ADMINISTRATIVE OFFICE OF THE COURTS, AND THE CLERK OF THE CIRCUIT COURT
12 FOR THE COUNTY.

13 2. THE CLERK OF THE CIRCUIT COURT SHALL BEGIN
14 RECORDING INSTRUMENTS IN ACCORDANCE WITH THE PROCEDURES AUTHORIZED
15 UNDER THIS PARAGRAPH 90 DAYS AFTER RECEIVING THE WRITTEN NOTICE FROM
16 THE COUNTY GOVERNING BODY UNDER SUB-SUBPARAGRAPH 1 OF THIS
17 PARAGRAPH.

18 [(i)] (III) The Clerk of the Circuit Court may record an instrument that
19 effects a change of ownership if the instrument is:

20 1. Endorsed with the certificate of the [County Treasurer]
21 COLLECTOR OF TAXES OF THE COUNTY IN WHICH THE PROPERTY IS ASSESSED
22 required under subsection (b) of this section; and

23 2. Accompanied by:

24 A. A complete intake sheet; and

25 B. A copy of the instrument, and any survey, for submission to
26 the Department of Assessments and Taxation[: and].

27 [(ii)] (IV) The Supervisor of Assessments shall transfer ownership of
28 property in the assessment records, effective as of the date of recordation, upon receipt
29 from the Clerk of the Circuit Court of a copy of the instrument, the completed intake
30 sheet, and any survey submitted under subparagraph [(i)] (III) of this paragraph.

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