

Department of Fiscal Services
Maryland General Assembly

FISCAL NOTE

Senate Bill 812 (Senator Boozer)
Judicial Proceedings

Real Property - Recordation, Subordination Agreements, and Powers of Attorney

This bill adds to the types of documents that may be recorded in the real property records by clerks of the circuit court. The bill allows the following to be recorded: (1) a document that indicates the assumption of liability that is secured by a mortgage or deed of trust; (2) a document that releases a guarantor or debtor from any personal responsibility under a mortgage or a note or obligation that is secured by a deed of trust; (3) a document copy of an original document as filed with a government official in another jurisdiction of the United States; and (4) a full or partial release that is endorsed by the holder of a debt or obligation secured by a deed that is in the form as provided in the bill. The bill also allows for instances when a power of attorney giving authority to purchase or sell land may be recorded at a time later than when the deed is recorded.

Fiscal Summary

State Effect: Indeterminate increase in general fund revenues as discussed below. Expenditures would not be affected.

Local Effect: None.

Small Business Effect: None. This bill would not directly affect small businesses.

Fiscal Analysis

State Revenues: The clerks of the court are authorized to collect recording fees. These fees are \$10 for a release of nine pages or less in length, \$20 for any other instrument of nine pages or less, \$20 for an instrument solely involving a principal residence, regardless of length, and \$75 for an instrument of ten pages or more. This bill could increase the fees that are collected by the clerks of the court for recordation of documents. The increased number

of documents that would be recorded and the amount of additional fees that would be collected by the clerks cannot be reliably determined at this time.

Information Sources: Department of Assessments and Taxation, Judiciary (Administrative Office of the Courts), Prince George's County, Garrett County

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