
By: **Montgomery County Delegation**
Introduced and read first time: January 30, 1998
Assigned to: Economic Matters

Committee Report: Favorable
House action: Adopted
Read second time: February 24, 1998

CHAPTER _____

1 AN ACT concerning

2 **Montgomery County - Real Property - Recordation**
3 **MC 824-98**

4 FOR the purpose of providing that, in Montgomery County, recordation of
5 instruments affecting property by the Clerk of the Circuit Court may be done
6 prior to transfer of the property on the assessment records; providing for
7 transfer of the property on the assessment records; providing for formulation of
8 certain procedures; and generally relating to recordation of instruments in
9 Montgomery County.

10 BY repealing and reenacting, with amendments,
11 Article - Real Property
12 Section 3-104(a)
13 Annotated Code of Maryland
14 (1996 Replacement Volume and 1997 Supplement)

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

17 **Article - Real Property**

18 3-104.

19 (a) (1) Except as provided in paragraph (2) of this subsection, a deed or
20 other instrument which effects a change of ownership on the assessment books under
21 the Tax - Property Article may not be recorded until the property granted is
22 transferred on the assessment books or records of the county where the property is

1 located to the grantee or assignee named in the deed or other instrument. When
 2 submitting the deed or other instrument for transfer on the assessment books, the
 3 person offering the deed or other instrument, on request, shall mail or deliver to the
 4 person having charge of the assessment books, a statement of any building and
 5 improvement on the property granted. When the property is transferred on the
 6 assessment books, the person recording the transfer shall evidence the fact of transfer
 7 on the deed or other instrument. This endorsement is sufficient to authorize the
 8 recording of the deed or other instrument by the clerk of the appropriate court.

9 (2) (i) The provisions of this paragraph apply only in the following
 10 counties:

- 11 1. Baltimore County;
- 12 2. Cecil County;
- 13 3. Charles County;
- 14 4. Dorchester County;
- 15 5. Harford County;
- 16 6. MONTGOMERY COUNTY;
- 17 7. Washington County; and
- 18 [7.] 8. Worcester County.

19 (ii) The Clerk of the Circuit Court may record an instrument that
 20 effects a change of ownership if the instrument is:

- 21 1. Endorsed with the certificate of the collector of taxes of the
 22 county in which the property is assessed, required under subsection (b) of this section;
 23 and
- 24 2. Accompanied by:
 - 25 A. A complete intake sheet; and
 - 26 B. A copy of the instrument, and any survey, for submission
 27 to the Department of Assessments and Taxation.

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

32 SECTION 2. AND BE IT FURTHER ENACTED, That the Clerk of the Circuit
 33 Court for Montgomery County, the Administrative Office of the Courts, the State
 34 Department of Assessments and Taxation, and the collector of taxes for Montgomery
 35 County may formulate the procedures governing recordation of instruments as

1 authorized under this Act, so as to simplify the procedures for recordation of
2 instruments while ensuring the integrity of the land and assessment records.

3 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 1998.