Unofficial Copy N1

Article - Real Property

15

2004 Regular Session (4lr0042)

ENROLLED BILL

-- Environmental Matters/Judicial Proceedings --

Introduced by Chairman, Environmental Matters Committee (By Request - Departmental - Assessments and Taxation)

	Read and Examined by Proofreaders:	
		Proofreader.
	d with the Great Seal and presented to the Governor, for his approval this day of at o'clock,M.	Proofreader.
		Speaker.
	CHAPTER	
1 A	N ACT concerning	
2	Real Property - Expedited Recordation of Deeds and Instruments of Writing	
3 F	OR the purpose of repealing the a certain prohibition requirement against recording	
4	certain instruments transferring ownership of real property in certain counties,	
5	under certain circumstances, until the property granted is transferred on the	
6	assessment rolls of the county where the property is located under certain	
7	circumstances; requiring a clerk of the circuit court to refuse to record certain	
8	instruments of writing under certain circumstances; authorizing the clerks of	
9 10	the circuit courts, the Administrative Office of the Courts, the State Department of Assessments and Taxation, and the local collectors of tax to formulate certain	
11	procedures <u>regarding the recordation of instruments</u> ; providing for a delayed	
12	effective date; and generally relating to the process of recording deeds and other	
13	instruments of writing in certain counties.	
14 E	BY repealing and reenacting, with amendments,	

1 2 3	Annota		of Maryl		003 Supplement)			
4 5					Y THE GENERAL ASSEMBLY OF and read as follows:			
6	Article - Real Property							
7	3-104.							
10 11 12 13 14 15 16 17 18	8 (a) (1) [Except as provided in paragraph (2) of this subsection, a deed or other instrument which effects a change of ownership on the assessment books under 10 the Tax - Property Article may not be recorded until the property granted is 11 transferred on the assessment books or records of the county where the property is 12 located to the grantee or assignee named in the deed or other instrument. When 13 submitting the deed or other instrument for transfer on the assessment books, the 14 person offering the deed or other instrument, on request, shall mail or deliver to the 15 person having charge of the assessment books, a statement of any building and 16 improvement on the property granted. When the property is transferred on the 17 assessment books, the person recording the transfer shall evidence the fact of transfer 18 on the deed or other instrument. This endorsement is sufficient to authorize the 19 recording of the deed or other instrument by the clerk of the appropriate court.							
20 21	counties:	(2)	(i)	The pro	visions of this paragraph apply only in the following			
22				1.	Baltimore County;			
23				2.	Carroll County;			
24				3.	Cecil County;			
25				4.	Charles County;			
26				5.	Dorchester County;			
27				6.	Harford County;			
28				7.	Howard County;			
29				8.	Montgomery County;			
30				9.	St. Mary's County;			
31				10.	Washington County; and			
32				11.	Worcester County.			

HOUSE BILL 180

1 2	effects a change of o	(ii)] wnership			Circuit Court may record an instrument that s:			
	of the county in which section; and	ch the pro	[1.] perty is a	(I) ssessed, 1	Endorsed with the certificate of the collector of taxe required under subsection (b) of this			
6			[2.]	(II)	Accompanied by:			
7			[A.]	1.	A complete intake sheet; and			
8 9	submission to the De	epartment	[B.] of Assess	2. sments ar	A copy of the instrument, and any survey, for ad Taxation.			
12 13	[(iii)] (2) The Supervisor of Assessments shall transfer ownership of property in the assessment records, effective as of the date of recordation, upon receipt from the Clerk of the Circuit Court of a copy of the instrument, the completed intake sheet, and any survey submitted under [subparagraph (ii) of this paragraph] PARAGRAPH (1) OF THIS SUBSECTION.							
15	(g) (1)	This sul	esection (does not a	apply to:			
16 17	assignment of a dee	(i) d of trust;		gnment o	f a mortgage or if presented for recordation, an			
18		(ii)	A releas	se of a de	ed of trust or mortgage;			
19		(iii)	A subst	itution of	trustees on a deed of trust;			
20		(iv)	A powe	r of attor	ney; or			
21 22	or termination of a l	(v) inancing			ment or an amendment, continuation, release, I in land records.			
25		ecting pro omplete in	perty and	l presente	ngraph (1) of this subsection, each deed or each for recordation shall be form that the Administrative Office of			
27	(3)	A comp	lete intak	se sheet s	hall:			
28 29	identifiers:	(i)	Describ	e the pro	perty by at least one of the following property			
	in Montgomery Cou			ntifier re	perty tax account identification number, if any, or quired under § 3-501 of this title, if			
33			2.		eet address, if any;			

HOUSE BILL 180

1	3. If the property is a lot within a subdivided tract, the lot
2	and block designation, or in Baltimore City, the current land record block number;
3	4. If the property is part of a tract that has been subdivided
4	informally and there is neither an assigned tax account identification number for the
	parcel nor a lot and block designation, then the street address, if any, or the amount
6	of acreage; or
7	5. If the property consists of multiple parcels, the
8	designation "various lots of ground" or the abbreviation "VAR. L.O.G.";
0	
9	(ii) Name each grantor, donor, mortgagor, and assignor and each
10	grantee, donee, mortgagee, and assignee;
11	(iii) State the type of instrument;
11	(iii) State the type of instrument;
12	(iv) State the amount of consideration payable, including the
	amount of any mortgage or deed of trust indebtedness assumed, or the principal
	amount of debt secured;
14	amount of deof secured;
15	(v) State the amount of recording charges due, including the land
_	records surcharge and any transfer and recordation taxes;
10	records surcharge and any transfer and recordation taxes,
17	(vi) Identify, by citation or explanation, each claimed exemption
	from recording taxes;
	non recording taxes,
19	(vii) For an instrument effecting a change in ownership, state a tax
	bill mailing address; and
	,
21	(viii) Indicate the person to whom the instrument is to be returned.
	•
22	(4) An intake sheet may request any other information that the
23	Administrative Office of the Courts considers necessary in expediting transfers of
24	property or recording and indexing of instruments.
25	(5) A clerk may not charge any fee for recording an intake sheet.
26	(6) A clerk [may not] SHALL refuse to record an instrument [because]
	IF it is not accompanied by an intake sheet or because it is accompanied by an intake
28	sheet not completed as required by paragraph (3) of this subsection.
29	(7) (i) An intake sheet shall be recorded immediately after the
30	instrument it accompanies.
31	(ii) The intake sheet is not part of the instrument and does not
32	constitute constructive notice as to the contents of the instrument.
22	(iii) The leads of an intelled deart decrease offs at the could be
33 24	(iii) The lack of an intake sheet does not affect the validity of any
54	conveyance, lien, or lien priority based on recordation of an instrument.

- 1 SECTION 2. AND BE IT FURTHER ENACTED, That the clerks of the circuit
- 2 courts, the Administrative Office of the Courts, the State Department of Assessments
- 3 and Taxation, and the local collectors of the taxes may formulate the procedure
- 4 governing recordation of instruments as authorized under this Act, so as to simplify
- 5 the procedures for recordation of instruments while ensuring the integrity of the land
- 6 and assessment records.
- 7 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
- 8 January July 1, 2005.