
By: **Chairman, Environmental Matters Committee (By Request -
Departmental - Assessments and Taxation)**

Introduced and read first time: January 24, 2005

Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Deeds or Other Instruments - Prerequisites to Recording**

3 FOR the purpose of allowing a clerk of the circuit court to record an instrument that
4 effects a change of ownership if the instrument is endorsed in a certain manner
5 by the local assessment office under certain circumstances; providing for a
6 certain alternative method for obtaining certain information as a prerequisite to
7 the recordation of a deed or other instrument affecting property; allowing a clerk
8 to refuse to record a deed or other instrument that effects a change of ownership
9 under certain circumstances; requiring a person offering for transfer on the
10 assessment books a deed or other instrument that effects a change of ownership
11 to mail or deliver certain information to the person having charge of the
12 assessment books if the deed or other instrument is submitted without an intake
13 sheet; requiring the person recording a transfer on the assessment books to
14 evidence the fact of the transfer on the deed or other instrument under certain
15 circumstances; providing that a certain endorsement is sufficient to authorize
16 the recording of the deed or other instrument by the clerk under certain
17 circumstances; and generally relating to the prerequisites to the recordation of
18 deeds and other instruments.

19 BY repealing and reenacting, with amendments,
20 Article - Real Property
21 Section 3-104(a) and (g)
22 Annotated Code of Maryland
23 (2003 Replacement Volume and 2004 Supplement)
24 (As enacted by Chapter 40 of the Acts of the General Assembly of 2004)

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

1 **Article - Real Property**

2 3-104.

3 (a) (1) The Clerk of the Circuit Court may record an instrument that effects
4 a change of ownership if the instrument is:

5 (i) Endorsed with the certificate of the collector of taxes of the
6 county in which the property is assessed, required under subsection (b) of this section;
7 [and]

8 (ii) 1. Accompanied by[:

9 1. A complete] AN intake sheet COMPLETED IN
10 ACCORDANCE WITH PARAGRAPH (G)(3) OF THIS SECTION; OR

11 2. ENDORSED BY THE ASSESSMENT OFFICE FOR THE
12 COUNTY AS PROVIDED IN PARAGRAPH (G)(8) OF THIS SECTION; and

13 [2.] (III) [A] ACCOMPANIED BY A copy of the instrument, and
14 any survey, for submission to the Department of Assessments and Taxation.

15 (2) The Supervisor of Assessments shall transfer ownership of property
16 in the assessment records, effective as of the date of recordation, upon receipt from
17 the Clerk of the Circuit Court of a copy of the instrument, the completed intake sheet,
18 and any survey submitted under paragraph (1) of this subsection.

19 (g) (1) This subsection does not apply to:

20 (i) An assignment of a mortgage or if presented for recordation, an
21 assignment of a deed of trust;

22 (ii) A release of a deed of trust or mortgage;

23 (iii) A substitution of trustees on a deed of trust;

24 (iv) A power of attorney; or

25 (v) A financing statement or an amendment, continuation, release,
26 or termination of a financing statement recorded in land records.

27 (2) Except as provided in paragraph (1) of this subsection, each deed or
28 other instrument affecting property and presented for recordation shall be:

29 (I) [accompanied] ACCOMPANIED by a complete intake sheet, on
30 the form that the Administrative Office of the Courts provides; OR

31 (II) ENDORSED AS PROVIDED UNDER PARAGRAPH (8) OF THIS
32 SUBSECTION.

33 (3) A complete intake sheet shall:

1 (i) Describe the property by at least one of the following property
2 identifiers:

3 1. The property tax account identification number, if any, or
4 in Montgomery County, any parcel identifier required under § 3-501 of this title, if
5 different from the tax account number;

6 2. The street address, if any;

7 3. If the property is a lot within a subdivided tract, the lot
8 and block designation, or in Baltimore City, the current land record block number;

9 4. If the property is part of a tract that has been subdivided
10 informally and there is neither an assigned tax account identification number for the
11 parcel nor a lot and block designation, then the street address, if any, or the amount
12 of acreage; or

13 5. If the property consists of multiple parcels, the
14 designation "various lots of ground" or the abbreviation "VAR. L.O.G.";

15 (ii) Name each grantor, donor, mortgagor, and assignor and each
16 grantee, donee, mortgagee, and assignee;

17 (iii) State the type of instrument;

18 (iv) State the amount of consideration payable, including the
19 amount of any mortgage or deed of trust indebtedness assumed, or the principal
20 amount of debt secured;

21 (v) State the amount of recording charges due, including the land
22 records surcharge and any transfer and recordation taxes;

23 (vi) Identify, by citation or explanation, each claimed exemption
24 from recording taxes;

25 (vii) For an instrument effecting a change in ownership, state a tax
26 bill mailing address; and

27 (viii) Indicate the person to whom the instrument is to be returned.

28 (4) An intake sheet may request any other information that the
29 Administrative Office of the Courts considers necessary in expediting transfers of
30 property or recording and indexing of instruments.

31 (5) A clerk may not charge any fee for recording an intake sheet.

32 (6) A clerk may not refuse to record an instrument THAT DOES NOT
33 EFFECT A CHANGE OF OWNERSHIP ON THE ASSESSMENT BOOKS SOLELY because it
34 is not accompanied by an intake sheet [or because it is accompanied by an intake
35 sheet not completed as required by paragraph (3) of this subsection].

1 (7) A CLERK MAY REFUSE TO RECORD A DEED OR INSTRUMENT THAT
2 EFFECTS A CHANGE OF OWNERSHIP ON THE ASSESSMENT ROLLS IF THE
3 INSTRUMENT IS NOT ACCOMPANIED BY AN INTAKE SHEET OR ENDORSED AS
4 TRANSFERRED ON THE ASSESSMENT BOOKS BY THE ASSESSMENT OFFICE FOR THE
5 COUNTY WHERE THE PROPERTY IS LOCATED.

6 (8) (I) IF A DEED OR OTHER INSTRUMENT THAT EFFECTS A CHANGE
7 IN OWNERSHIP IS SUBMITTED FOR TRANSFER ON THE ASSESSMENT BOOKS
8 WITHOUT AN INTAKE SHEET, THE PERSON OFFERING THE DEED OR OTHER
9 INSTRUMENT SHALL MAIL OR DELIVER TO THE PERSON HAVING CHARGE OF THE
10 ASSESSMENT BOOKS THE INFORMATION REQUIRED ON THE INTAKE SHEET.

11 (II) WHEN PROPERTY IS TRANSFERRED ON THE ASSESSMENT
12 BOOKS UNDER THIS PARAGRAPH:

13 1. THE TRANSFER SHALL BE TO THE GRANTEE OR ASSIGNEE
14 NAMED IN THE DEED OR OTHER INSTRUMENT; AND

15 2. THE PERSON RECORDING THE TRANSFER SHALL
16 EVIDENCE THE FACT OF THE TRANSFER ON THE DEED OR OTHER INSTRUMENT.

17 (III) AN ENDORSEMENT UNDER THIS PARAGRAPH IS SUFFICIENT TO
18 AUTHORIZE THE RECORDING OF THE DEED OR OTHER INSTRUMENT BY THE CLERK
19 OF THE APPROPRIATE COURT.

20 [(7)] (9) (i) An intake sheet shall be recorded immediately after the
21 instrument it accompanies.

22 (ii) The intake sheet is not part of the instrument and does not
23 constitute constructive notice as to the contents of the instrument.

24 (iii) The lack of an intake sheet does not affect the validity of any
25 conveyance, lien, or lien priority based on recordation of an instrument.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take
27 effect July 1, 2005.