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By: **Delegate Kelly**

Introduced and read first time: February 21, 2005

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Release of Mortgages and Deeds of Trust - Retention**  
3 **Requirement**

4 FOR the purpose of repealing a certain requirement that a clerk retain certain  
5 mortgages and deeds of trust for a certain number of years under certain  
6 circumstances; and generally relating to the release and recordation of a  
7 mortgage or deed of trust.

8 BY repealing and reenacting, with amendments,  
9 Article - Real Property  
10 Section 3-105(b)  
11 Annotated Code of Maryland  
12 (2003 Replacement Volume and 2004 Supplement)

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

15 **Article - Real Property**

16 3-105.

17 (b) A release may be endorsed on the original mortgage or deed of trust by the  
18 mortgagee or his assignee, the trustee or his successor under a deed of trust, or by the  
19 holder of the debt or obligation secured by the deed of trust. The mortgage or the deed  
20 of trust, with the endorsed release, then shall be filed in the office in which the  
21 mortgage or deed of trust is recorded. The clerk shall record the release  
22 photographically, with an attachment or rider affixed to it containing the names of  
23 the parties as they appear on the original mortgage or deed of trust, together with a  
24 reference to the book and page number where the mortgage or deed of trust is  
25 recorded. [When the mortgage or deed of trust, with the attached release, is filed for  
26 the purpose of recording the release, the clerk shall retain the mortgage or deed of  
27 trust in his office and not permit it to be withdrawn for 25 years, after which time he  
28 may destroy it. If, however, the clerk preserves a photographic copy of the release, he  
29 may permit the original mortgage or deed of trust with the release to be withdrawn.]

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