
By: **Senators Dyson, Forehand, Hughes, Jimeno, and Stone**

Introduced and read first time: January 30, 2006

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property - Recordation of Deeds - Conservation Easements**

3 FOR the purpose of establishing certain requirements for recording a deed
4 transferring property that is encumbered by certain easements; and generally
5 relating to the content and recordation of deeds.

6 BY repealing and reenacting, with amendments,
7 Article - Real Property
8 Section 3-104(f)
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2005 Supplement)

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

13 **Article - Real Property**

14 3-104.

15 (f) (1) No deed, mortgage, or deed of trust may be recorded unless it bears
16 the certification of an attorney at law that the instrument has been prepared by an
17 attorney or under an attorney's supervision, or a certification that the instrument
18 was prepared by one of the parties named in the instrument.

19 (2) Every deed recorded in Prince George's County shall contain a
20 reference to the election district in which the property described in the deed is located.

21 (3) Every deed or other instrument recorded in Talbot County shall have
22 written, typed, or printed on its back, to be readily visible when folded for filing in the
23 appropriate drawer or file, the name of every party to the deed or other instrument
24 and the nature or character of the instrument.

25 (4) No deed granting property lying within the boundaries of any
26 sanitary district operated by the Worcester County Sanitary Commission may be
27 accepted by the Clerk of the Circuit Court for recording unless the deed is marked by

1 the Commission to indicate that every assessment or charge currently due and owed
2 to the Commission with respect to the property described in the deed has been paid.

3 (5) In Frederick County, if the property to be transferred is a subdivision,
4 which is being dissected from a larger tract of land, then every public tax,
5 assessment, and charge due on the larger tract shall be paid before the property is
6 transferred on the assessment books or land records. Notwithstanding any other
7 provision of this section, in Frederick County the certificate of the Treasurer and the
8 appropriate municipal tax collector, if the property is within an incorporated town or
9 city, showing that every tax has been paid shall be endorsed on the deed. The
10 endorsement is sufficient authority for transfer on the assessment books or land
11 records.

12 (6) Every deed granting a right-of-way or other easement to a public
13 utility, public agency, or a department or agency of the State shall contain an accurate
14 and definite description as well as a reference to the liber and folio where the servient
15 land was granted and a recitation of the grantors, grantees, and the date of the
16 reference deed.

17 (7) A DEED TRANSFERRING OWNERSHIP OF PROPERTY THAT IS
18 ENCUMBERED BY A CONSERVATION EASEMENT OR AN AGRICULTURAL LAND
19 PRESERVATION EASEMENT GRANTED TO A STATE AGENCY, LOCAL GOVERNMENT, OR
20 LAND TRUST, AS DEFINED IN § 3-2A-01 OF THE NATURAL RESOURCES ARTICLE,
21 SHALL:

22 (I) REFERENCE THE LIBER AND FOLIO WHERE THE SERVIENT
23 LAND IS GRANTED;

24 (II) CONTAIN A DESCRIPTION OF THE GRANTOR AND GRANTEE;
25 AND

26 (III) CONTAIN THE DATE OF THE REFERENCE DEED.

27 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
28 October 1, 2006.