

Department of Legislative Services
Maryland General Assembly
2010 Session

FISCAL AND POLICY NOTE

House Bill 1303

(Delegates Conway and Mathias)

Environmental Matters

Judicial Proceedings

Worcester County - Real Property - Recording

This bill alters the procedures for recording a deed among the land records of Worcester County. The bill prohibits the Clerk of the Circuit Court from accepting a deed that grants property within the boundaries of a sanitary district operated by the County Commissioners of Worcester County unless the deed is marked to indicate that all outstanding assessments or charges owed to the county with respect to the property described in the deed have been paid.

Fiscal Summary

State Effect: The bill does not directly affect State finances or operations.

Local Effect: The bill does not directly affect local finances or operations.

Small Business Effect: None.

Analysis

Current Law: An instrument that effects a change of ownership may be recorded if the instrument is (1) endorsed with the certificate of the tax collector in the county in which the property is assessed; (2) accompanied by a complete intake sheet or endorsed by the assessment office for the county in which the property is located; and (3) accompanied by a copy of the instrument along with any survey for submission to the State Department of Assessments and Taxation.

Except as otherwise provided, property may not be transferred on the assessment books or records until (1) all public taxes, assessments, and charges due on the property have

been paid to the treasurer, tax collector, or finance director of the county where the property is assessed; and (2) all personal property taxes owed by the transferor have been paid when all land owned in the county by the transferor is being transferred.

A deed, mortgage, or deed of trust may not be recorded unless it has been prepared by an attorney, under an attorney's supervision, or by one of the parties named in the instrument. A deed granting property within the boundaries of any sanitary district operated by the Worcester County Sanitary Commission may not be accepted by the clerk for recording unless the deed is marked by the commission to indicate that every assessment or charge owed to the commission with respect to the property has been paid. (See Real Property Article § 3-104 (a)-(b), (f)).

Background: The bill is corrective in nature. The Worcester County Sanitary District and Worcester County Sanitary Commission have been abolished. All assets, property, outstanding bonds, and legally enforceable agreements have been assumed by, or transferred to, the County Commissioners of Worcester County.

Additional Information

Prior Introductions: None.

Cross File: SB 307 (Senator Stoltzfus) - Judicial Proceedings.

Information Source(s): Worcester County, Judiciary (Administrative Office of the Courts), Department of Legislative Services

Fiscal Note History: First Reader - March 5, 2010
ncs/kdm

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