

# SENATE BILL 292

N1

5lr0617

---

By: **Senators Ramirez, Kelley, Madaleno, and Montgomery**

Introduced and read first time: February 5, 2015

Assigned to: Judicial Proceedings

---

## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Land Records – Fraudulent Recordings**

3 FOR the purpose of prohibiting a person from causing a certain instrument to be recorded  
4 in the land records of a county under certain circumstances; requiring a clerk of the  
5 circuit court to send a certain notice to the parties named in a deed or other  
6 instrument affecting real property no later than a certain number of days after  
7 recording the deed or other instrument; specifying the minimum contents of the  
8 notice; requiring the notice to be sent by certified mail, return receipt requested;  
9 establishing certain penalties; and generally relating to land records.

10 BY adding to

11 Article – Real Property

12 Section 3–112 and 3–113

13 Annotated Code of Maryland

14 (2010 Replacement Volume and 2014 Supplement)

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

17 **Article – Real Property**

18 **3–112.**

19 **(A) A PERSON MAY NOT CAUSE TO BE RECORDED IN THE LAND RECORDS OF**  
20 **ANY COUNTY A DEED OR OTHER INSTRUMENT AFFECTING REAL PROPERTY THAT**  
21 **THE PERSON KNOWS OR REASONABLY SHOULD KNOW:**

22 **(1) IS FALSE;**

---

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1           **(2) CONTAINS OR IS BASED ON A MATERIALLY FALSE, FICTITIOUS, OR**  
2 **FRAUDULENT STATEMENT OR REPRESENTATION; OR**

3           **(3) IS NOT RELATED TO A VALID EXISTING OR POTENTIAL REAL**  
4 **ESTATE TRANSACTION OR INTEREST IN REAL PROPERTY.**

5           **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
6 **AND ON CONVICTION IS SUBJECT TO:**

7           **(1) FOR A FIRST OFFENSE, A FINE NOT EXCEEDING \$5,000; AND**

8           **(2) FOR A SECOND OR SUBSEQUENT OFFENSE, A FINE NOT**  
9 **EXCEEDING \$10,000.**

10 **3-113.**

11           **(A) NO LATER THAN 30 DAYS AFTER RECORDING A DEED OR OTHER**  
12 **INSTRUMENT AFFECTING REAL PROPERTY, THE CLERK OF THE COURT SHALL SEND**  
13 **NOTICE TO THE PARTIES NAMED IN THE RECORDED INSTRUMENT.**

14           **(B) AT A MINIMUM, THE NOTICE SHALL INCLUDE:**

15           **(1) A STATEMENT THAT THE CLERK OF THE COURT HAS RECORDED A**  
16 **DEED OR OTHER INSTRUMENT THAT MAY AFFECT THE PROPERTY INTERESTS OF THE**  
17 **PARTIES NAMED IN THE RECORDED INSTRUMENT;**

18           **(2) A DESCRIPTION OF THE RECORDED INSTRUMENT;**

19           **(3) INSTRUCTIONS ON HOW THE PARTIES NAMED IN THE RECORDED**  
20 **INSTRUMENT CAN OBTAIN A COPY OF THE RECORDED INSTRUMENT; AND**

21           **(4) INSTRUCTIONS ON OBTAINING LEGAL ASSISTANCE IF ANY PARTY**  
22 **NAMED IN THE RECORDED INSTRUMENT BELIEVES THAT THE RECORDED**  
23 **INSTRUMENT IS FRAUDULENT.**

24           **(C) THE NOTICE SHALL BE SENT BY CERTIFIED MAIL, RETURN RECEIPT**  
25 **REQUESTED.**

26           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 2015.