

HB0595/960819/4

BY: Environment and Transportation Committee

AMENDMENTS TO HOUSE BILL 595

(First Reading File Bill)

AMENDMENT NO. 1

Strike beginning with “Certification” in line 2 down through “Repeal” in line 3 and substitute “Prerequisites to Recording”; in line 5, strike “attorney”; in the same line, strike “or a certification”; in line 6, strike “party” and substitute “person”; in the same line, after “recorded;” insert “providing that a deed other than a mortgage, deed of trust, or an assignment or release of a mortgage or deed of trust may not be recorded unless the instrument bears certain certification of preparation; providing that a mortgage, deed of trust, or an assignment or release of a mortgage or deed prepared by any attorney or one of the parties named in the instrument may be recorded without certain certification;”; in the same line, after “change;” insert “defining a certain term;”; and after line 7, insert:

“BY repealing and reenacting, without amendments,

Article - Real Property

Section 1-101(a), (c), (d), (e), (h), and (i)

Annotated Code of Maryland

(2015 Replacement Volume and 2016 Supplement)”.

AMENDMENT NO. 2

After line 15, insert:

“1-101.

(a) In this article the following words have the meanings indicated unless otherwise apparent from context.

(Over)

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(c) “Deed” includes any deed, grant, mortgage, deed of trust, lease, assignment, and release, pertaining to land or property or any interest therein or appurtenant thereto, including an interest in rents and profits from rents.

(d) “Deed of trust” means only a deed of trust which secures a debt or the performance of an obligation, and does not include a voluntary grant unrelated to security purposes.

(e) “Grant” includes conveyance, assignment, and transfer.

(h) “Lease” means any oral or written agreement, express or implied, creating a landlord and tenant relationship, including any “sublease” and any further sublease.

(i) “Mortgage” means any mortgage, including a deed in the nature of mortgage.”;

in line 17, after “(1)” insert “**(I) IN THIS PARAGRAPH, “UNDER THE ATTORNEY’S SUPERVISION” INCLUDES REVIEW OF AN INSTRUMENT BY THE CERTIFYING ATTORNEY.**

(II)”;

in the same line, strike beginning with “No” through “may” and substitute “**A DEED OTHER THAN A MORTGAGE, DEED OF TRUST, OR AN ASSIGNMENT OR RELEASE OF A MORTGAGE OR DEED OF TRUST MAY NOT**”; in the same line, after “bears” insert “**:**

1.”;

in line 18, strike the first “the” and substitute “**THE**”; in the same line, after the second bracket insert “**ADMITTED TO THE BAR OF THIS STATE**”; in the same line, strike the second “an” and substitute “**THE**”; in line 19, strike “an” and substitute “**THE**”; in the same line, strike “, or a” and substitute “**;****OR**

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2. A;

in the same line, after “certification” insert “**BY A PARTY NAMED IN THE INSTRUMENT**”; in line 20, strike “one of the parties named in the instrument” and substitute “**THAT PARTY**”; and after line 20, insert:

“(III) A MORTGAGE, DEED OF TRUST, OR AN ASSIGNMENT OR RELEASE OF A MORTGAGE OR DEED OF TRUST PREPARED BY ANY ATTORNEY OR ONE OF THE PARTIES NAMED IN THE INSTRUMENT MAY BE RECORDED WITHOUT THE CERTIFICATION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.”