

SB0376/268775/1

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 376

(First Reading File Bill)

AMENDMENT NO. 1

Strike lines 2 and 3 in their entirety and substitute “Real Property – Certification Requirement for Recordation”; in line 6, after “recorded;” insert “requiring that a deed or lease bear a certain attorney certification or a certification that the instrument was prepared by a certain party in order to be recorded; providing that the clerk of the circuit court may record a mortgage or deed of trust prepared by one of the parties named in the instrument without a certain certification;”; and in the same line, after “change;” insert “defining certain terms;”.

AMENDMENT NO. 2

In line 17, after “(1)” insert “**(I) 1. IN THIS PARAGRAPH THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**2. A. “DEED” MEANS A WRITTEN INSTRUMENT THAT CONVEYS LEGAL TITLE TO PROPERTY.**

**B. “DEED” DOES NOT INCLUDE:**

**I. A DEED OF TRUST;**

**II. A MORTGAGE;**

**III. AN INSTRUMENT OR THE ASSIGNMENT OF AN INSTRUMENT THAT CREATES OR GIVES NOTICE OF A SECURITY INTEREST IN PROPERTY; OR**

(Over)

**IV. AN INSTRUMENT THAT TERMINATES OR PARTIALLY TERMINATES A LIEN CREATED BY A DEED OF TRUST, A MORTGAGE, OR AN INSTRUMENT THAT CREATES OR GIVES NOTICE OF A SECURITY INTEREST.**

**3. “UNDER THE ATTORNEY’S SUPERVISION” INCLUDES REVIEW OF AN INSTRUMENT BY THE CERTIFYING ATTORNEY.**

**(II)**;

in the same line, after the second bracket insert “**OR LEASE**”; 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**”

**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) THE CLERK OF THE CIRCUIT COURT MAY RECORD A MORTGAGE OR DEED OF TRUST PREPARED BY ONE OF THE PARTIES NAMED IN THE INSTRUMENT WITHOUT THE CERTIFICATION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.”**