

HOUSE BILL 595

N1

7lr2551
CF SB 376

By: **Delegates McMillan, Beidle, Cassilly, Folden, Holmes, Jalisi, and McComas**

Introduced and read first time: January 30, 2017

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 11, 2017

CHAPTER _____

1 AN ACT concerning

2 **Mortgages and Deeds of Trust – ~~Certification Requirement for Recordation~~**
3 **~~Repeal~~ Prerequisites to Recording**

4 FOR the purpose of repealing the requirement that a mortgage or deed of trust bear a
5 certain ~~attorney~~ certification ~~or a certification~~ that the instrument was prepared by
6 a certain ~~party~~ person in order to be recorded; providing that a deed other than a
7 mortgage, deed of trust, or an assignment or release of a mortgage or deed of trust
8 may not be recorded unless the instrument bears certain certification of preparation;
9 providing that a mortgage, deed of trust, or an assignment or release of a mortgage
10 or deed prepared by any attorney or one of the parties named in the instrument may
11 be recorded without certain certification; making a certain stylistic change; defining
12 a certain term; and generally relating to the recording of mortgages and deeds of
13 trust.

14 BY repealing and reenacting, without amendments,

15 Article – Real Property

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

17 Annotated Code of Maryland

18 (2015 Replacement Volume and 2016 Supplement)

19 BY repealing and reenacting, with amendments,

20 Article – Real Property

21 Section 3–104(f)(1)

22 Annotated Code of Maryland

23 (2015 Replacement Volume and 2016 Supplement)

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



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

3 **Article – Real Property**

4 1–101.

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

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

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

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

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

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

17 3–104.

18 (f) (1) **(I) IN THIS PARAGRAPH, “UNDER THE ATTORNEY’S**
19 **SUPERVISION” INCLUDES REVIEW OF AN INSTRUMENT BY THE CERTIFYING**
20 **ATTORNEY.**

21 **(II) ~~No deed, mortgage, or deed of trust~~ may A DEED OTHER THAN**
22 **A MORTGAGE, DEED OF TRUST, OR AN ASSIGNMENT OR RELEASE OF A MORTGAGE OR**
23 **DEED OF TRUST MAY NOT** be recorded unless it bears:

24 **1. ~~the~~ THE certification of an attorney [at law] ADMITTED**
25 **TO THE BAR OF THIS STATE** that the instrument has been prepared by ~~an~~ **THE** attorney
26 or under ~~an~~ **THE** attorney’s supervision, ~~or a~~; **OR**

27 **2. A certification BY A PARTY NAMED IN THE INSTRUMENT**
28 that the instrument was prepared by ~~one of the parties named in the instrument~~ **THAT**
29 **PARTY.**

30 **(III) A MORTGAGE, DEED OF TRUST, OR AN ASSIGNMENT OR**
31 **RELEASE OF A MORTGAGE OR DEED OF TRUST PREPARED BY ANY ATTORNEY OR ONE**

1 OF THE PARTIES NAMED IN THE INSTRUMENT MAY BE RECORDED WITHOUT THE
2 CERTIFICATION REQUIRED UNDER SUBPARAGRAPH (II) OF THIS PARAGRAPH.

3 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
4 October 1, 2017.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.