

Chapter 424

(House Bill 1084)

AN ACT concerning

Real Property – Recordation of Deeds – Assignments of Rents and Assignments of Leases for Security Purposes

FOR the purpose of exempting an assignment of rents and a certain assignment of a lease from certain requirements related to recordation; authorizing a certain assignment of rents or a certain assignment of a lease to be recorded without a certain certification; and generally relating to assignments of rents and assignments of leases for security purposes.

BY repealing and reenacting, without amendments,
Article – Real Property
Section 1–101(a) and (c)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

BY repealing and reenacting, with amendments,
Article – Real Property
Section 3–104(f)(1)
Annotated Code of Maryland
(2015 Replacement Volume and 2019 Supplement)

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

Article – Real Property

1–101.

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

(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.

3–104.

(f) (1) (i) In this paragraph, “under the attorney’s supervision” includes review of an instrument by the certifying attorney.

(ii) A deed other than a mortgage, A deed of trust, AN ASSIGNMENT

OF RENTS, AN ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES, or an assignment or A release of a mortgage or A deed of trust may not be recorded unless it bears:

1. The certification of an attorney admitted to the Bar of this State that the instrument has been prepared by the attorney or under the attorney's supervision; or

2. A certification by a party named in the instrument that the instrument was prepared by that party.

(iii) A mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS, AN ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES**, or an assignment or A release of a mortgage or A 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.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.

Enacted under Article II, § 17(c) of the Maryland Constitution, May 8, 2020.