

HOUSE BILL 347

N1

(5lr1362)

ENROLLED BILL

— *Environment and Transportation/Judicial Proceedings* —

Introduced by ~~Delegate Holmes~~ Delegates Holmes and Terrasa

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Recordation and Land Records – Requirements**

3 FOR the purpose of altering certain provisions relating to the filing, maintenance, and
4 transmittal of land records; and generally relating to the recordation of instruments
5 affecting real property and land records.

6 BY repealing and reenacting, with amendments,

7 Article – Real Property

8 Section 1–101, 3–104(a), (d), and (e)(1), 3–105, 3–106, 3–108(a) through (d), 3–301
9 through 3–304, 3–403, 3–404, 7–105.5(c), and 8–402.2

10 Annotated Code of Maryland

11 (2023 Replacement Volume and 2024 Supplement)

12 BY repealing and reenacting, without amendments,

13 Article – Real Property

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.

Italics indicate opposite chamber/conference committee amendments.



Section 3–108(e) and 7–105.5(a) and (b)
Annotated Code of Maryland
(2023 Replacement Volume and 2024 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.

(b) “County” includes Baltimore City.

(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) **(1)** “Deed of trust” means [only] a deed of trust [which] **THAT** secures a debt or the performance of an obligation[, and].

(2) “**DEED OF TRUST**” does not include a voluntary grant unrelated to security purposes.

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

(f) “Land” [has the same meaning as “property”] **MEANS PROPERTY.**

(g) “Landlord” means any landlord, including a [“lessor”] **LESSOR.**

(H) “**LAND RECORD**” **MEANS ANY DOCUMENT RECORDED BY A CLERK OF THE CIRCUIT COURT ~~AFFECTING THE TITLE~~ RELATING TO PROPERTY.**

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

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

[j)] (K) “Person” includes an individual, A receiver, A trustee, A guardian, AN executor, AN administrator, A fiduciary, or A representative of any kind, or any partnership, firm, association, public or private corporation, or any other entity.

1 [(k)] (L) “Property” means real property or any interest [therein or appurtenant
2 thereto] **IN REAL PROPERTY.**

3 [(l)] (M) “Purchaser” [has the same meaning as] **MEANS A** buyer or vendee.

4 [(m)] (N) “Tenant” means any tenant including a [“lessee”] **LESSEE.**

5 [(n)] (O) “Vendor” [has the same meaning as] **MEANS A** seller.

6 3–104.

7 (a) (1) The [Clerk of the Circuit Court] **CLERK OF THE CIRCUIT COURT** may
8 record an instrument that effects a change of ownership if the instrument is:

9 (i) Endorsed with the certificate of the collector of taxes of the
10 county in which the property is assessed, required under subsection (b) of this section;

11 (ii) 1. Accompanied by a complete intake sheet; or

12 2. Endorsed by the assessment office for the county as
13 provided in subsection (g)(8) of this section; and

14 (iii) Accompanied by a copy of the instrument, and any survey, for
15 submission to the Department of Assessments and Taxation.

16 (2) The Supervisor of Assessments shall transfer ownership of property in
17 the assessment records, effective as of the date of recordation, [upon] **ON** receipt from the
18 [Clerk of the Circuit Court] **CLERK OF THE CIRCUIT COURT** of a copy of the instrument,
19 the completed intake sheet, and any survey submitted under paragraph (1) of this
20 subsection **OR DOCUMENTS RECEIVED THROUGH AN ELECTRONIC RECORDATION**
21 **SYSTEM.**

22 (d) **(1)** Every deed or other instrument offered for recordation shall have the
23 name of each person typed or printed directly above or below the signature of the person.

24 **(2)** If a typed or printed name is not provided as required in this subsection,
25 the clerk shall make reasonable efforts to determine the correct name under which the deed
26 or other instrument shall be indexed.

27 (e) (1) **(I)** Any printed deed or other instrument offered for recordation
28 shall [be]:

29 1. **BE** printed in not less than [eight–point] ~~10~~ **8 POINT** type
30 and in black letters and be on white paper of sufficient weight and thickness to be clearly
31 readable. If the deed or other instrument is wholly typewritten or typewritten on a printed

form, the typewriting shall be in black letters, in not less than elite type and [upon] ON white paper of sufficient weight or thickness as to be clearly readable. The foregoing provisions do not apply to manuscript covers or backs customarily used on documents offered for recordation. The recording charge for any instrument not conforming to these requirements shall be [treble] **THREE TIMES** the normal [charge] **AMOUNT CHARGED**. In any clerk's office where the deeds or other instruments are [photostated or microfilmed] **SCANNED**, no instrument on which a rider has been placed or attached in a manner obscuring, hiding, or covering any other part of the instrument may be offered or received for record. No instrument not otherwise readily subject to [photostating or microfilming] **SCANNING** may be offered or received for record until [treble] **THREE TIMES** the normal recording charge is paid to the clerk and unless an affidavit, black type on white paper, is attached and made a part of the document stating the kind of instrument, the date, the parties to the transaction, description of the property, and all other pertinent data; **AND**

2. INCLUDE AT LEAST A 3-INCH MARGIN AT THE TOP OF THE FIRST PAGE AND 1-INCH MARGINS ON ~~ALL REMAINING~~ THE LEFT AND RIGHT SIDES OF EACH PAGE OF THE INSTRUMENT FOR OFFICIAL USE.

(II) ~~A CLERK MAY REFUSE TO RECORD AN INSTRUMENT THAT DOES NOT MEET THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.~~

~~(III)~~ After any document has been recorded in one county, a certified copy of the recorded document may be recorded in any other county.

3-105.

(a) A mortgage or deed of trust may be released validly by any procedure enumerated in this section or § 3-105.2 of this subtitle.

(b) **(1)** A release may be endorsed on the original mortgage or deed of trust by the mortgagee or [his] **AN** assignee **OF THE MORTGAGEE**, the trustee or [his] **A** successor **OF THE TRUSTEE** under a deed of trust, or by the holder of the debt or obligation secured by the deed of trust.

(2) The mortgage or the deed of trust, with the endorsed release, then shall be filed in the office in which the mortgage or deed of trust is recorded.

(3) The clerk shall record the release [photographically], with an attachment or rider affixed to it containing the names of the parties as they appear on the original mortgage or deed of trust, together with a reference to the book and page number where the mortgage or deed of trust is recorded.

[(c)] At the option of the clerk of the court in whose office the book form of recording is used, the release may be written by the mortgagee, or his assignee, or the trustee, or his successor under a deed of trust, on the record in the office where the mortgage or deed of

trust is recorded and attested by the clerk of the court. At the time of recording any mortgage or deed of trust, the clerk of the court in whose office the book form of recording is used shall leave a blank space at the foot of the mortgage or deed of trust for the purpose of entering such release.]

[(d)] (C) (I) When the debt secured by a deed of trust is paid fully or satisfied, and any bond, note, or other evidence of the total indebtedness is marked “paid” or “canceled” by the holder or **[his] AN agent OF THE HOLDER**, it may be received by the clerk and indexed and recorded as any other instrument in the nature of a release.

(II) The marked note has the same effect as a release of the property for which it is the security, as if a release were executed by the named trustees, if there is attached to or endorsed on the note an affidavit of the holder, the party making satisfaction, or an agent of either of them, that it has been paid or satisfied, and specifically setting forth the land record reference where the original deed of trust is recorded.

(2) (I) When the debt secured by a mortgage is paid fully or satisfied, and the original mortgage is marked “paid” or “canceled” by the mortgagee or **[his] AN agent OF THE MORTGAGEE**, it may be received by the clerk and indexed and recorded as any other instrument in the nature of a release.

(II) The marked mortgage has the same effect as a release of the property for which it is the security, as if a release were executed by the mortgagee, if there is attached to or endorsed on the mortgage an affidavit of the mortgagee, the mortgagor, the party making satisfaction, or the agent of **[any of them] THE MORTGAGEE, THE MORTGAGOR, OR THE PARTY MAKING SATISFACTION**, that it has been paid or satisfied, and specifically setting forth the land record reference where the mortgage is recorded.

(3) (I) When the debt secured by a mortgage or deed of trust is paid fully or satisfied, and the canceled check evidencing final payment or, if the canceled check is unavailable, a copy of the canceled check accompanied by a certificate from the institution on which the check was drawn stating that the copy is a true and genuine image of the original check is presented, it may be received by the clerk and indexed and recorded as any other instrument in the nature of a release.

(II) The canceled check or copy accompanied by the certificate has the same effect as a release of the property for which the mortgage or deed of trust is the security, as if a release were executed by the mortgagee or named trustees, if:

[(i)] 1. The party making satisfaction of the mortgage or deed of trust has:

[1.] A. Allowed at least a 60-day waiting period, from the date the mortgage or deed of trust is paid fully or is satisfied, for the party satisfied to provide a release suitable for recording;

1 [2.] **B.** Sent the party satisfied a copy of this section and a
2 notice that, unless a release is provided within 30 days, the party making satisfaction will
3 obtain a release by utilizing the provisions of this paragraph; and

4 [3.] **C.** Following the mailing of the notice required under
5 item 2 of this item, allowed an additional waiting period of at least 30 days for the party
6 satisfied to provide a release suitable for recording; [and]

7 [(ii)] **2.** The canceled check or copy accompanied by the certificate
8 contains the name of the party whose debt is being satisfied, the debt account number, if
9 any, and words indicating that the check is intended as payment in full of the debt being
10 satisfied; and

11 [(iii)] **3.** There is attached to the canceled check or copy
12 accompanied by the certificate an affidavit made by a member of the Maryland Bar that
13 the mortgage or deed of trust has been satisfied, that the notice required under item [(i)] **1**
14 of this [paragraph] **SUBPARAGRAPH** has been sent, and specifically setting forth the land
15 record reference where the original mortgage or deed of trust is recorded.

16 (4) **(I)** When the debt secured by a mortgage or deed of trust is fully paid
17 or satisfied and the holder or the agent of the holder of the mortgage or deed of trust note
18 or other obligation secured by the deed of trust, or the trustee or successor trustee under
19 the deed of trust, executes and acknowledges a certificate of satisfaction substantially in
20 the form specified under § 4–203(d) of this article, containing the name of the debtor, holder,
21 the authorized agent of the holder, or the trustee or successor trustee under the deed of
22 trust, the date, and the land record recording reference of the instrument to be released, it
23 may be received by the clerk and indexed and recorded as any other instrument in the
24 nature of a release.

25 **(II)** The certificate of satisfaction shall have the same effect as a
26 release executed by the holder of a mortgage or the named trustee under a deed of trust.

27 (5) **(I)** When the holder of a mortgage or deed of trust note or other
28 obligation secured by the deed of trust has agreed to release certain property from the lien
29 of the mortgage or deed of trust and the holder or the agent of the holder of the mortgage
30 or deed of trust note or other obligation secured by the deed of trust, or the trustee or
31 successor trustee under the deed of trust executes and acknowledges a certificate of partial
32 satisfaction or partial release substantially in the form specified under § 4–203(e) of this
33 article, containing the name of the debtor, holder, the authorized agent of the holder, or the
34 trustee or successor trustee under the deed of trust, the date, the land record recording
35 reference of the instrument to be partially released, and a description of the real property
36 being released, it may be received by the clerk and indexed and recorded as any other
37 instrument in the nature of a partial release.

1 **(II)** The certificate of partial satisfaction or partial release shall have
2 the same effect as a partial release executed by the holder of a mortgage, the holder of the
3 debt secured by a deed of trust, or the named trustee under a deed of trust.

4 **[(e)] (D)** A release of a mortgage or deed of trust may be made on a separate
5 instrument if it states that the mortgagee, holder of the debt or obligation secured by the
6 deed of trust, trustee, or assignee releases the mortgage or deed of trust and states the
7 names of the parties to the mortgage or deed of trust and the date and recording reference
8 of the mortgage or deed of trust to be released. In addition, any form of release that satisfies
9 the requirements of a deed and is recorded as required by this article is sufficient.

10 **[(f)] (E)** (1) A holder of a debt secured by a mortgage or deed of trust, or a
11 successor of a holder, may release part of the collateral securing the mortgage or deed of
12 trust by executing and acknowledging a partial release on an instrument separate from the
13 mortgage or deed of trust.

14 (2) A partial release shall:

15 (i) Be executed and acknowledged;

16 (ii) Contain the names of the parties to the mortgage or deed of trust,
17 the date, and the land record recording reference of the instrument subject to the partial
18 release; and

19 (iii) Otherwise satisfy the requirements of a valid deed.

20 (3) The clerk of the court shall accept, index, and record, as a partial
21 release, an instrument that complies with and is filed under this section.

22 (4) Unless otherwise stated in an instrument recorded among the land
23 records, a trustee under a deed of trust may execute, acknowledge, and deliver partial
24 releases.

25 **[(g)] (F)** If a full or partial release of a mortgage or deed of trust is recorded
26 [other than at the foot of the recorded mortgage or deed of trust], the clerk shall place a
27 reference to the book and page number or other place where the release is recorded on the
28 recorded mortgage or deed of trust.

29 **[(h)] (G)** Unless otherwise expressly provided in the release, a full or partial
30 release that is recorded for a mortgage or deed of trust that is re-recorded, amended,
31 modified, or otherwise altered or affected by a supplemental instrument and which cites
32 the released mortgage or deed of trust by reference to only the original recorded mortgage,
33 deed of trust, or supplemental instrument to the original mortgage or deed of trust, shall
34 be effective as a full or partial release of the original mortgage or deed of trust and all
35 supplemental instruments to the original mortgage or deed of trust.

1 [(i)] (H) Unless otherwise expressly provided in the release, a full or partial
2 release that is recorded for a mortgage or deed of trust, or for any re-recording, amendment,
3 modification, or supplemental instrument to the mortgage or deed of trust shall terminate
4 or partially release any related financing statements, but only to the extent that the
5 financing statements describe fixtures that are part of the collateral described in the full
6 or partial release.

7 3-106.

8 The clerk of the **CIRCUIT** court shall record [photographically] any assignment of a
9 mortgage with an attachment or rider affixed to it containing the names of the parties as
10 they appear on the original mortgage and a reference to the book number and page number
11 where the mortgage is recorded.

12 3-108.

13 (a) (1) Except as provided in paragraph (2) of this subsection, the provisions of
14 this section are in addition to any other provisions of the Code, pertaining to recordation of
15 subdivision plats.

16 (2) [The provisions of this] **THIS** section [do] **DOES** not apply in Queen
17 Anne's County.

18 (b) (1) If the owner of land in the State subdivides [his] **THE** land for
19 commercial, industrial, or residential use to be comprised of streets, avenues, lanes, or
20 alleys and lots, and desires, for the purpose of description and identification, to record a
21 plat of the subdivision among the land records of the county where the land lies, the clerk
22 of the court shall accept and record the plat as prescribed in this section.

23 (2) The clerk may not accept the plat for record until the owner of land
24 complies with the requirements prescribed in this section.

25 (c) (1) In this subsection, "coordinate" means a number which determines the
26 position of any point in a north or south and an east or west direction in relation to any
27 other point in the same coordinate system.

28 (2) The plat shall be legible, drawn accurately and to scale and shall be
29 submitted for recordation using black ink on transparent mylar[, or linen] or black-line
30 photo process comparable to original quality that will conform to archival standards. [The
31 State Highway Administration may substitute microfilm aperture cards showing property
32 or rights-of-way to be acquired or granted. Microfilm aperture cards must meet archival
33 standards for permanent records.]

34 (3) The plat shall contain the courses and distances of all lines drawn on
35 the plat.

(4) With respect to all curved lines, the plat shall show the length of all radii, arcs, and tangents and the courses and distances of all chords.

(5) The plat shall contain a north arrow which represents and designates either true or magnetic meridian as of a date specified on the plat or shall be referenced to a recognized coordinate system within the county.

(6) All courses shown on the plat shall be calculated from the plat meridian.

(7) No distance on the plat may be marked “more or less” except on lines which begin, terminate, or bind on a marsh, stream, or any body of water.

(8) (I) The plat shall show the position by coordinates of not less than four markers set in convenient places within the subdivision in a manner so that the position of one marker is visible from the position of one other marker.

(II) From these markers, commonly called [“traverse points”] **TRAVERSE POINTS**, every corner and line can be readily calculated and marked on the ground.

(III) These markers shall comply with standards that the State Board for Professional Land Surveyors sets by regulation under § 15–208 of the Business Occupations and Professions Article.

(9) A certificate stating that the requirement of this subsection, as far as it concerns the making of the plat and setting of the markers, shall be put on the plat and signed by the owner of the land shown on the plat to the best of [his] **THE OWNER’S** knowledge and by the professional land surveyor or property line surveyor preparing it.

(d) (1) [Three linen] **THE OWNER SHALL MAIL OR DELIVER THREE** copies of the plat [shall be mailed or delivered] to the clerk.

(2) (I) [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS PARAGRAPH, THE** fee is \$5 for each set of plats[, except that a].

(II) A fee is not required for plats [or microfilm aperture cards] showing property or rights-of-way to be acquired or granted by the State Highway Administration.

(III) **THE CLERK MAY ASSESS ADDITIONAL FEES IF REQUIRED BY LOCAL LAW OR ORDINANCE.**

(e) Each plat shall be signed and sealed by a professional land surveyor or property line surveyor licensed in the State.

(a) (1) If the person offering a deed or other instrument affecting property for record first pays the recording fees, the clerk of the circuit court of each county shall record every deed and other instrument affecting property in [well-bound books to be named "Land Records", if that is the practice in the county, or on microfilm, if that is the practice] **LAND RECORDS AVAILABLE TO THE PUBLIC.**

(2) The clerk shall endorse on the deed or other instrument the time [he receives] **OF RECEIPT OF** the document for recording and the endorsement shall show in the [Land Records] **LAND RECORDS.**

(3) Any deed or other instrument affecting property which also affects personal property shall be recorded in the same manner in the [Land Records] **LAND RECORDS** only, and not in the ["Financing Records"] **FINANCING STATEMENTS.**

(b) If an interested party so requests, the ["Financing Records"] **FINANCING STATEMENTS** provided for in § 9-402(9) of the Commercial Law Article shall include a notation that the instrument is recorded among the ["Land Records"] **LAND RECORDS.** The instrument also shall be indexed in the general alphabetical index provided in § 3-302 of this subtitle. The notation and indexing have the same effect as if the instrument were recorded in full among the ["Financing Records"] **FINANCING STATEMENTS.**

(c) (1) The clerk may not refuse to accept any deed or other document entitled to be recorded, solely on the grounds that the deed or document contains a strike-through, interlineation, or other corrections.

(2) The clerk may refuse to accept for re-recording, a previously recorded deed or document that has been corrected or altered by a strike-through, interlineation, or similar corrective measures, and that has not been re-executed, [initialled] **INITIALED**, or otherwise ratified in writing by the party or parties affected by the correction.

3-302.

(a) (1) The clerk of the circuit court of each county shall make and maintain a full and complete general alphabetical index of every deed, and other instrument [in a well-bound book in his office].

(2) The index shall [be]:

(I) **BE** both in the name of each grantor, donor, mortgagor, and assignor, and each grantee, donee, mortgagee, or assignee[. It shall include]; **AND**

(II) **INCLUDE** the book and page of the recordation of every instrument designating these names.

(3) The clerk shall index every deed or other instrument ~~retaining a~~ vendor's lien both as a deed and as a vendor's lien, ~~in~~ in the same manner as mortgages are indexed.

(b) [In every clerk's office where land records are not recorded in book form, the] ~~THE~~ clerk shall index every assignment of a mortgage, deed of trust, and release or partial [releases] **RELEASE** of a **MORTGAGE OR** deed of trust, whether in long or short form[, in the general alphabetical index, and shall place an entry in the general alphabetical index where the instrument is indexed, on the same horizontal line, indicating the place of record of the original instrument being assigned or released].

[(c) The clerk of the circuit court of each county shall date each change or correction made to information in the general alphabetical index on the horizontal line on which the change or correction was made.]

[(d)] (C) (1) If a court [of equity] decrees a payment of cost or makes some other decree for payment of money by a plaintiff, the clerk immediately shall [enter] **INDEX** the plaintiff's name [in a separate index, known as the index of plaintiffs].

(2) Until the plaintiff's name is indexed, no lien under the decree arises against the property of the plaintiff and no right of execution accrues on the decree.

[(e)] (D) (1) The clerk shall ~~include in the~~ index each property identifier provided on an intake sheet under § 3-104(g) of this title ~~for~~, if the space available in the index will not accommodate all of the identifiers, then as many as the space allows, giving priority to identifiers in the order in which they are listed in § 3-104(g)(3)(i) of this title~~for~~.

(2) The clerk shall rely on the instrument that is accompanied by the intake sheet for indexing of grantor's and grantee's names.

3-303.

The clerk shall [make a microfilm picture or other copy of every document he records and] transmit [the microfilm pictures or copies] **RECORDED DOCUMENTS** to the State Archivist [at the end of each year. When requested by the State Archivist, the clerk also shall make a microfilm picture or copy of the general index].

3-304.

(a) Except as provided in subsection (e) of this section, the clerk shall [fasten securely one copy of] **RECORD** each plat described under § 3-108 of this title [in a book provided for that purpose or shall record the plat].

(b) The clerk promptly shall send one copy of each plat to the supervisor of assessments of the county and one copy, with one half of the filing fee, to the State Archivist,

who shall number and file the plat as part of the records of the State Archivist's office [and shall notify the clerk of the number given].

(c) The State Archivist shall mail or deliver, free of cost, to any supervisor of assessments of the State, a copy of the plat on request.

(d) (1) Nothing in this section affects any recording fee of the clerk of the court under any local legislation prescribing recording fees for subdivision plats.

(2) The clerk and the State Archivist shall keep accurate memoranda of the filing fees.

(e) In Montgomery County, the clerk may record or maintain the plat in electronic form in a manner approved by the State Archivist.

3-403.

(a) **[If] A FILING OFFICER SHALL RECORD** a notice of federal lien, a refile of a notice of federal lien, or a notice of revocation of any certificate described in subsection (b) of this section [is] presented to the filing officer[, he shall cause the notice to be marked, indexed, and recorded in an alphabetical federal lien index, showing on one line the name and residence of the person named in the notice, the U.S. government serial number of the notice, the date and hour of filing, and the amount of the lien with the interest, penalties, and costs. He shall file and keep all original notices so filed in numerical order in a file, or files, and designated federal lien notices].

(b) **[If] A FILING OFFICER SHALL RECORD** a certificate of release, nonattachment, discharge, or subordination of any lien [is] presented to the filing officer [for filing he shall enter the same with date of filing in said federal lien index on the line where notice of the lien so affected is entered, and permanently attach the original certificate of release, nonattachment, discharge or subordination to the original notice of lien].

3-404.

The fee for filing and indexing each notice of lien or certificate or notice affecting the lien is \$3. [The office shall bill the district directors of internal revenue or other appropriate federal officials on a monthly basis for fees for documents filed by them.]

7-105.5.

(a) In this section, "holder of a subordinate interest" includes any condominium council of unit owners or homeowners association that has filed a request for notice of sale under subsection (c) of this section.

(b) The person authorized to make a sale in an action to foreclose a mortgage or deed of trust shall give written notice of any proposed foreclosure sale to the holder of any subordinate mortgage, deed of trust, or other subordinate interest, including a judgment, in accordance with § 7-105.4 of this subtitle and the requirements of Maryland Rule 14-210.

(c) (1) The land records office of each county shall maintain a current listing of recorded requests for notice of sale by holders of subordinate mortgages, deeds of trust, or other subordinate interests.

(2) The holder of a subordinate mortgage, deed of trust, or other subordinate interest may file a request for notice under this subsection.

(3) Each request for notice of sale shall:

(i) Be recorded in a separate [docket or book] **PAPER OR ELECTRONIC INDEX** which shall be indexed under the name of the holder of the superior mortgage or deed of trust and under the book and page numbers where the superior mortgage or deed of trust is recorded;

(ii) Identify the property in which the subordinate interest is held;

(iii) State the name and address of the holder of the subordinate interest; and

(iv) Identify the superior mortgage or deed of trust by stating:

1. The names of the original parties to the superior mortgage or deed of trust;

2. The date the superior mortgage or deed of trust was recorded; and

3. The office, docket or book, and page where the superior mortgage or deed of trust is recorded.

(4) (i) Except as provided in subparagraph (ii) of this paragraph, failure of a holder of a subordinate mortgage, deed of trust, or other subordinate interest to record a request for notice under this subsection does not affect the duty of a holder of a superior interest to provide notice as required under this section.

(ii) A holder of a superior interest does not have a duty to provide notice to a condominium council of unit owners or homeowners association that has not filed a request for notice under this subsection.

8-402.2.

(a) (1) This section applies to property:

(i) Leased for business, commercial, manufacturing, mercantile, or industrial purposes, or any other purpose that is not primarily residential;

(ii) Improved or to be improved by any apartment, condominium, cooperative, or other building for multifamily use of greater than four dwelling units; or

(iii) Leased for dwellings or mobile homes that are erected or placed in a mobile home development or mobile home park.

(2) This section does not apply to residential property that is or was used, intended to be used, or authorized to be used for four or fewer dwelling units.

(b) (1) Whenever, in a case that involves a 99-year ground lease renewable forever, at least 6 months ground rent is in arrears and the landlord has the lawful right to reenter for the nonpayment of the rent, the landlord, no less than 45 days after sending to the tenant by certified mail, return receipt requested, at the tenant's last known address, and also by first-class mail to the title agent or attorney listed on the deed to the property or the intake sheet recorded with the deed, a bill for the ground rent due, may bring an action for possession of the property under § 14-108.1 of this article[; if].

(2) (I) IF the tenant cannot be personally served IN ACCORDANCE WITH PARAGRAPH (1) OF THIS SUBSECTION, or there is no tenant in actual possession of the property, service by posting notice on the property may be made in accordance with the Maryland Rules.

(II) Personal service or posting in accordance with the Maryland Rules shall stand in the place of a demand and reentry.

(c) (1) Before entry of a judgment the landlord shall give written notice of the pending entry of judgment to each mortgagee of the lease, or any part of the lease, who before entry of the judgment has recorded in the land records of each county where the property is located a timely request for notice of judgment.

(2) A request for notice of judgment DESCRIBED UNDER PARAGRAPH (1) OF THIS SUBSECTION shall:

(i) Be recorded in a separate [docket or book] PAPER OR ELECTRONIC INDEX that is indexed under the name of the mortgagor;

(ii) Identify the property on which the mortgage is held and refer to the date and recording reference of that mortgage;

(iii) State the name and address of the holder of the mortgage; and

(iv) Identify the ground lease by stating:

1. The name of the original lessor;
2. The date the ground lease was recorded; and
3. The office, docket or book, and page where the ground lease is recorded.

[(2)] (3) (I) The landlord shall mail the notice by certified mail return receipt requested to the mortgagee at the address stated in the recorded request for notice of judgment.

(II) If the notice is not given, judgment in favor of the landlord does not impair the lien of the mortgagee.

(III) Except as otherwise provided in this subsection, the property is discharged from the lease and the rights of all persons claiming under the lease are foreclosed unless, within 6 calendar months after execution of the judgment for possession, the tenant or any other person claiming under the lease:

[(i)] 1. Pays the ground rent, arrears, and all costs awarded against that person; and

[(ii)] 2. Commences a proceeding to obtain relief from the judgment.

(d) This section does not bar the right of any mortgagee of the lease, or any part of the lease, who is not in possession at any time before expiration of 6 calendar months after execution of the judgment awarding the landlord possession, to pay all costs and damages sustained by the landlord and to perform all the covenants and agreements that are to be performed by the tenant.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2025.