

SENATE BILL 788

N1

6lr2267

By: **Senator Jennings**

Introduced and read first time: February 6, 2026

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Recordation of Deeds – Certification of Preparation**

3 FOR the purpose of prohibiting a person or form from representing that certain certification
4 by an attorney is the only method of certification for a certain deed and prohibiting
5 a clerk of the circuit court from refusing to record the deed under certain
6 circumstances; and generally relating to deed recordation.

7 BY repealing and reenacting, without amendments,
8 Article – Real Property
9 Section 1–101(a), (c), (d), and (j)
10 Annotated Code of Maryland
11 (2023 Replacement Volume and 2025 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Real Property
14 Section 3–104(f)(1)
15 Annotated Code of Maryland
16 (2023 Replacement Volume and 2025 Supplement)

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

19 **Article – Real Property**

20 1–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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 a deed of trust that secures a debt or the performance of an obligation.

(2) “Deed of trust” does not include a voluntary grant unrelated to security purposes.

(j) “Mortgage” means any mortgage, including a deed in the nature of mortgage. 3–104.

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

(ii) 1. 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.] A. 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.] B. A certification by a party named in the instrument that the instrument was prepared by that party.

2. A. A PERSON OR FORM DOCUMENT MAY NOT IN ANY WAY REPRESENT THAT CERTIFICATION OF PREPARATION OF AN INSTRUMENT BY AN ATTORNEY OR UNDER THE ATTORNEY’S SUPERVISION IS THE ONLY METHOD OF CERTIFICATION FOR RECORDATION OF THE INSTRUMENT UNDER THIS SUBPARAGRAPH; AND

B. A CLERK OF THE CIRCUIT COURT MAY NOT REFUSE TO RECORD AN INSTRUMENT UNDER THIS SUBPARAGRAPH SOLELY BECAUSE THE INSTRUMENT DOES NOT BEAR CERTIFICATION OF PREPARATION BY AN ATTORNEY OR UNDER THE ATTORNEY’S SUPERVISION.

(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, 2026.