

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.



4 (d) (1) "Deed of trust" means a deed of trust that secures a debt or the
5 performance of an obligation.

6 (2) "Deed of trust" does not include a voluntary grant unrelated to security
7 purposes.

8 (j) "Mortgage" means any mortgage, including a deed in the nature of mortgage.

9 3-104.

10 (f) (1) (i) In this paragraph, "under the attorney's supervision" includes
11 review of an instrument by the certifying attorney.

12 (ii) 1. A deed other than a mortgage, a deed of trust, an
13 assignment of rents, an assignment of a lease for security purposes, or an assignment or a
14 release of a mortgage or a deed of trust may not be recorded unless it bears:

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

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
34 October 1, 2026.