

Department of Legislative Services  
Maryland General Assembly  
2026 Session

FISCAL AND POLICY NOTE  
First Reader

Senate Bill 788

(Senator Jennings)

Judicial Proceedings

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Real Property - Recordation of Deeds - Certification of Preparation

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This bill prohibits any person or form document from representing in any way that certification of preparation by an attorney (or under an attorney's supervision) is the only permissible method of certification for recordation of certain instruments. A clerk of the circuit court may not reject an applicable instrument solely because the instrument lacks attorney preparation certification.

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Fiscal Summary

**State Effect:** The bill does not materially affect State operations or finances.

**Local Effect:** The bill does not materially affect local government operations or finances.

**Small Business Effect:** Minimal.

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Analysis

**Current Law:** Clerks of the circuit courts are responsible for recording land records. Generally, deeds and other legal instruments must satisfy specified requirements prior to being recorded in the appropriate land records.

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 deed of trust may not be recorded unless the instrument bears either (1) the certification of an attorney admitted to the State Bar 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.

A mortgage, 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 an attorney or a party named in the instrument may be recorded without the required certification. In general, “deed” includes any deed, grant, mortgage, deed of trust, lease, assignment, and release pertaining to land or property or any interest in property.

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### **Additional Information**

**Recent Prior Introductions:** Similar legislation has not been introduced within the last three years.

**Designated Cross File:** None.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - March 1, 2026  
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