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This section addresses the fees for recording.

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Md. REAL PROPERTY Code Ann. Section 3-601**Copy Citation**

Including all Acts of the 2019 Regular Session of the General Assembly

**MD - Annotated Code of Maryland REAL PROPERTY TITLE 3.
RECORDATION SUBTITLE 6. RECORDING AND OTHER COSTS****Section 3-601. Recording costs****(a) In general. --**

(1) In this subsection, "page" means one side of a leaf not larger than 8 1/2 inches wide by 14 inches long, or any portion of it.

(2) Before recording an instrument among the land or financing records, a clerk shall collect:

(i) \$ 10 for a release 9 pages or less in length;

(ii) \$ 20 for any other instrument 9 pages or less in length;

(iii) Except as provided in item (i) of this paragraph, \$ 20 for an instrument, regardless of length, involving solely a principal residence; and

(iv) \$ 75 for any other instrument 10 pages or more in length.

(3) The recording costs under this subsection shall also apply to instruments required to be recorded in the financing statement records of the State Department of Assessments and Taxation.

(b) Refunds. --

(1) A person who submits a written refund claim for recording fees, including any recording surcharge, that have been overpaid to the clerk of a circuit court, is eligible for a refund of the amount overpaid from the clerk that collected the fees.

(2) A claim for a refund under paragraph (1) of this subsection shall be as required by regulations adopted by the State Court Administrator.

History

An. Code 1957, art. 36, Section 12; 1974, ch. 12, Section 2; 1977, ch. 903; 1980, ch. 649, Section 1; 1982, ch. 906, Section 3; 1983, ch. 378; 1993, ch. 240; 1994, ch. 642; 2018, ch. 636, Section 2.

Annotated Code of Maryland

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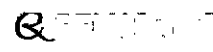
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only keep 2 state agencies exempt.

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Md. REAL PROPERTY Code Ann. Section 3-603**Copy Citation**

Including all Acts of the 2019 Regular Session of the General Assembly

**MD - Annotated Code of Maryland REAL PROPERTY TITLE 3. RECORDATION SUBTITLE
6. RECORDING AND OTHER COSTS****Section 3-603. Counties, municipalities, and commissions exempt from fees**

The clerk may not charge any county, any municipality, the Maryland-National Capital Park and Planning Commission, or the Washington Suburban Sanitary Commission any fee provided by this subtitle unless the county, municipality, or respective commission first gives its consent. No charge may be made against the Comptroller for any service performed in connection with the recording and indexing of property liens arising under the Maryland income tax or the Maryland sales and use tax laws.

History

An. Code 1957, art. 36, Section 12; 1974, ch. 12, Section 2; 1980, ch. 649, Section 1; 1982, ch. 197; 1988, ch. 110, Section 1; 1990, ch. 633 .

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This section addresses judicial filings being exempt from fees for state agencies

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Md. COURTS AND JUDICIAL PROCEEDINGS Code Ann. Section**7-202**[Copy Citation](#)

Including all Acts of the 2019 Regular Session of the General Assembly

MD - Annotated Code of Maryland COURTS AND JUDICIAL PROCEEDINGS TITLE 7. COSTS, FINES, AND FORFEITURES SUBTITLE 2. CIRCUIT COURT**Section 7-202. Court fees****(a) Determination by State Court Administrator; uniformity; collection by clerks. --****(1)**

(i) The State Court Administrator shall determine the amount of all court costs and charges for the circuit courts of the counties with the approval of the Board of Public Works.

(ii) The fees and charges shall be uniform throughout the State.

(2) The Comptroller of the State shall require clerks of court to collect all fees required to be collected by law.

(b) Officials exempt from fees. -- The clerk may not charge the State, any county, municipality, or Baltimore City any fee provided by this subtitle, unless the State, county, municipality, or Baltimore City first gives its consent.

(c) Fees for other services. -- The clerk is entitled to a reasonable fee for performing any other service that is not enumerated in this subtitle or in Sections 3-601 through 3-603 of the Real Property Article.

(d) Surcharge. -- The State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(1) May not be more than \$ 55 per case; and

(2) Shall be deposited into the Maryland Legal Services Corporation Fund established under Section 11-402 of the Human Services Article.

(e) Additional surcharge. --

(1) In addition to the surcharge assessed under subsection (d) of this section, the State Court Administrator, as part of the Administrator's determination of the amount of court costs and charges in civil cases, shall assess a surcharge that:

(i)

1. Except as provided in item 2 of this item, shall be \$ 30 per case; and

2. Except as provided in paragraph (2) of this subsection, shall be \$ 6 to reopen any civil case; and

(ii) Shall be deposited into the Circuit Court Real Property Records Improvement Fund established under Section 13-602 of this article.

(2) A surcharge may not be assessed under this subsection to reopen a case brought by a petitioner under Title 4, Subtitle 5 of the Family Law Article.



Document: ~~(f) Fee for special admission of out-of-state attorneys.~~ -- The State Court Administrator shall:

~~(1) Assess a \$100 fee for the special admission of an out-of-state attorney under Section 10-215 of the Business Occupations and Professions Article; and~~

~~(2) Pay \$ 75 of the fee to the Janet L. Hoffman Loan Assistance Repayment Program established under Section 18-1502 of the Education Article.~~

(g) Determination of reasonableness of fee. -- If a party in a proceeding feels aggrieved by any fee permitted under this subtitle or by Sections 3-601 through 3-603 of the Real Property Article, the party may request a judge of that circuit court to determine the reasonableness of the fee.

History

An. Code 1957, art. 36, Section 12; 1973, 1st Sp. Sess., ch. 2, Section 1; 1974, ch. 684, Section 4; 1975, ch. 548, Section 1; 1982, ch. 820, Section 3; 1984, ch. 255; 1990, ch. 6, Section 2; ch. 467; 1992, ch. 98; 1998, ch. 765; 2004, ch. 448; 2005, ch. 25, Section 1; 2007, ch. 8, Section 1; 2010, ch. 486; 2011, ch. 129; 2013, chs. 71, 72; 2015, ch. 488; 2017, chs. 797, 798.

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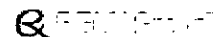
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December 21, 2001

Nancy H. Russell-Forrester, Assistant
Attorney General
300 W. Preston Street, Room 201
Baltimore, Maryland 21201

Re: Recording and Copying Fees – Payment by State Agencies/Instrumentalities

Dear Ms. Russell-Forrester:

By letter dated December 6, 2001, you have requested my advice concerning whether State agencies or instrumentalities (hereinafter collectively referred to as "State agencies") are required to pay recording fees, including the Real Property Records Improvement Fund surcharge, relative to documents that the agencies, directly or through the title companies or attorneys handling settlements for them, submit for recording in the land records. You also inquire whether State agencies, or the title companies, abstractors, or attorneys contracted by them, are required to pay for copies of land record documents obtained from the circuit court clerks. For the following reasons, I have concluded that the State agencies, for practical reasons, should not be required to pay the recording fees, although the pertinent law does not expressly exempt them. Of course, it would be best if legislation were introduced to amend the law to expressly exempt the State. With respect to copying fees, the law does expressly exempt the State. Of course, the circuit court clerks have no way of knowing with which persons the State agencies have contracted for the performance of title searches and when such persons are working on State business; therefore, some means would be needed of advising the clerk when the private contractor is making copies for a State agency.¹

Until 1986, the circuit court clerks' offices were fee-funded under the Maryland Constitution, Article IV, §10. By Acts of 1986, Chapter 722, that constitutional provision was amended by deletion in subsection (a) of the language "and be allowed the fees." The clerks' offices became

¹ While your letter did not provide any details about such contracts, I assume that the State agency pays for copies made, or reimburses the contractor for such costs, separate from paying a fee for the work performed. Clearly, if the copying costs were included in the fee payable for the service and an exemption from such costs was not taken into account when the amount of fee was negotiated, applying the exemption would benefit the contractor, but not the State.

Nancy H. Russell-Forrester, Assistant
Attorney General
December 21, 2001
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funded through the State budget. Article IV, §10 was again amended by Acts of 1990, Chapter 62 to expressly provide that “[t]he offices of the Clerks shall be funded through the State budget” and that “[a]ll fees, commissions, or other revenues established by Law for these offices shall be State revenues, unless provided otherwise by the General Assembly.”

During the time the clerks’ offices were fee-funded, all fees and costs, whether court costs and fees or land record recording fees, were charged State agencies, with the exception of the Comptroller when recording liens for unpaid taxes.² On the other hand, the counties, municipalities, and certain commissions were expressly exempted from paying court costs and/or recording fees. Courts and Judicial Proceedings Article, §7-202(b) precluded the clerks from charging counties and municipalities court costs and fees without their consent, and Real Property Article, §3-603 precluded the clerks from charging counties, municipalities, the Maryland National Capital Park and Planning Commission, and the Washington Suburban Sanitary Commission recording fees without their consent. Real Property Article, §3-603 also precluded the clerks from charging the Comptroller recording fees for recording property liens for unpaid income taxes or sales and use taxes.

By Acts of 1992, Chapter 98, Courts and Judicial Proceedings Article, §7-202(b) was amended to insert “the State” so as to preclude the clerk from charging the State any fee provided by that subtitle unless the State consented. The fiscal note accompanying that bill indicated that there would be no fiscal impact on the State or local governments. This is so because almost all State agencies obtain their funding from the General Fund and the fees collected by the circuit court clerks under Courts and Judicial Proceedings Article, Title 7, Subtitle 2 generally are deposited into the General Fund. That same absence of fiscal impact applies to the recording fees collected by the clerks pursuant to Real Property Article, §3-601, which fees are deposited into the General Fund.

There appears to be no logical reason why State agencies should be required to pay recording fees for instruments of writing to which the agencies are parties and that the agencies submit, or cause to be submitted, for recording. Of course, in some cases in which State agencies are parties to the instruments, recording costs ordinarily may be payable by the other party.³ While the counties have long been exempt from paying recording fees, many instruments in which a county is a party are submitted for recording accompanied by payment of the recording fees. While arguably this could reflect consent on the part of the county to pay the fee, it is assumed that the fee is being paid

² With respect to recording fees, in 20 *Opinions of the Attorney General* 219, 221 (1935), it was noted that: “It has always been the uniform practice of all State Departments to pay the costs of recording all deeds to real property purchased by the State, and there has never been the slightest doubt about the validity of such charges.”

³ See quote from 20 *Opinions of the Attorney General* at 221 in fn. 2. The implication is that the purchaser pays the recording fees on a deed. Thus, the recording fees would be payable by the grantees, not the State agencies, when the agencies are selling property.

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Attorney General
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by the other party and that the county has no interest is using its exemption from such fees to benefit the other party.⁴

With respect to the Real Property Records Improvement Fund surcharge, Courts and Judicial Proceedings Article, §13-604(c) provides that “[t]he surcharge may not be charged to an entity that is exempt from the payment of fees under §3-603 of the Real Property Article.” Therefore, to the extent the State is deemed exempt from paying the recording fees, the State also would be exempt from paying the surcharge.

The matter of copying costs is a bit more complex. Clearly, the State is exempt under Courts and Judicial Proceedings Article, §7-202(b) from paying fees and costs under that subtitle. The cost schedule established by the State Court Administrator pursuant to §7-202(a) includes copying fees of 50¢ per page. If an employee of a State agency were obtaining copies from a circuit court clerk in the course of conducting the agency’s business, the clerk would be precluded from charging the copying fees absent the agency’s consent. On the other hand, when an employee of a title company, title abstractor, or attorney is obtaining copies of land records from a clerk, the clerk ordinarily charges the copying fees. Without some written notice from the State agency, a clerk would have no way of knowing that a title company employee, abstractor, or attorney was obtaining copies on behalf of the agency. Additionally, I assume that such title companies, abstractors, and attorneys with which the State agencies contract are not working exclusively for the agency. Therefore, some effective mechanism would be needed to assure that the State’s exemption from paying court costs would be afforded the contractor only in connection with copies made for the State agency.

In summary, the State agencies need not pay recording costs on instruments of writing to which they are parties and which they cause to be submitted for recording. While this advice is based on common sense, it is not free from doubt inasmuch as Real Property Article, §3-603 has never been amended to expressly include the State. Therefore, I strongly recommend that the State agencies that most often are parties to recordable instruments seek a legislative amendment to §3-603 to dispel any doubt. With respect to copying costs, the State clearly is exempt under Courts and Judicial Proceedings Article, §7-202(b). However, if the copies are being obtained for a State agency by a private party with whom the agency has contracted for title searching/abstracting services, the clerk will need to be given written notice by the State agency in order for the contractor to be able to obtain copies without payment of the ordinarily applicable copying costs.

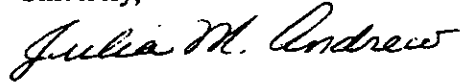
If you have any further questions regarding this matter or need clarification of the advice

⁴ It is noteworthy that it is the government entity, not the instrument of writing, that is exempt from paying the recording fee, absent its consent. By contrast, the exemption from recording taxes when a government agency is the grantee applies to the instrument. See Tax-Property Article, §§12-108(a) and 13-207(a)(1).

Nancy H. Russell-Forrester, Assistant
Attorney General
December 21, 2001
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provided, please do not hesitate to contact me.

Sincerely,

A handwritten signature in cursive script that reads "Julia M. Andrew".

Julia M. Andrew
Assistant Attorney General

JMA/s
cc: Circuit Court Clerks
David Durfee, Director of Legal Affairs