



Real Property Section

To: Judiciary Committee

From: Legislative Committee of the Real Property Section Counsel

Date: March 6, 2023 [Hearing Date March 8, 2023]

Subject: **HB 845** – Real Property - Recordation of Instrument With False Information - Penalties and Actions to Quiet Title

Position: **Technical Comments**

The Real Property Section Counsel of the Maryland State Bar Association (MSBA) offers **technical comments to House Bill 845** – Real Property -Recordation of Instrument With False Information - Penalties and Actions to Quiet Title. The bill seeks to prohibit a person from recording a deed or other instrument the person knows or has reason to know is false. While no one should be recording documents they know to be false, we believe that this proposed law may have unintended consequences and may prove to be difficult to interpret and enforce.

Who is a “person” the statute seeks to penalize? Is it the grantor, grantee, settlement company, courier who submits the deed for recording, the attorney who drafted it and/or someone else? Does “reason to know” include mistakes in drafting, attaching the wrong legal description or some other mistake the person should have known not to make? Does “false information” also include mistakes in drafting or attaching the wrong legal description? Is the bill seeking to prohibit a forged deed? If so, the statute should simply say that or specify what false information is unlawful and who it seeks to prohibit.

Thank you for your consideration.