

HON. STACY A. MAYER  
CIRCUIT COURT  
JUDGE  
BALTIMORE COUNTY  
CHAIR

HON. RICHARD SANDY  
CIRCUIT COURT  
JUDGE  
FREDERICK COUNTY  
VICE-CHAIR



KELLEY O'CONNOR  
ASSISTANT STATE COURT  
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## MARYLAND JUDICIAL COUNCIL LEGISLATIVE COMMITTEE

### MEMORANDUM

**TO:** House Judiciary Committee  
**FROM:** Legislative Committee  
Suzanne D. Pelz, Esq.  
410-260-1523  
**RE:** House Bill 208  
Courts – Evidence – Proof of Ownership of Real Property  
**DATE:** January 21, 2026  
**POSITION:** Oppose  
(2/4)

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The Maryland Judiciary opposes House Bill 208. The bill provides that, in a proceeding involving real property, the production of evidence that a deed has been submitted for recordation to the clerk of the circuit court of the county where the real property is located (or other documents required by law for the sale of real property or to secure a mortgage) would create a rebuttable presumption of ownership of the property. Evidence that would create a rebuttable presumption of ownership may include a certified copy of the completed intake sheet required for recordation under § 3-104 of the Real Property Article, or a HUD-1 settlement statement or closing disclosure required under the federal Real Estate Settlement Procedures Act. The bill would also authorize the Supreme Court of Maryland to adopt rules and forms to implement new CJ § 10-926.

There is currently a mechanism allowing a purchaser, prior to settlement or receipt of a deed, to record their contract of sale and pay recordation taxes and obtain proof of ownership. That process may accomplish the same goal while concomitantly protecting against fraud. Until a deed is recorded, there is no change in ownership and nothing for the clerks to certify. In addition, the legislation does not provide a mechanism for a clerk to verify the accuracy of the document provided. The stated goal of enabling a new owner to protect a property could be thwarted by an unscrupulous individual presenting a

fraudulent document, which would create a rebuttable presumption of ownership to the wrong person.

cc. Hon. Mike Griffith  
Judicial Council  
Legislative Committee  
Kelley O'Connor