

# HOUSE BILL 1376

I2, I1, N1

7lr1947

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By: **Delegate Malone**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Mortgages – Substitution of Surviving Spouse**

3 FOR the purpose of requiring a lender to substitute the name of a surviving spouse for the  
4 name of a deceased mortgagor in a mortgage under certain circumstances and within  
5 a certain period of time; defining a certain term; and generally relating to mortgages  
6 and surviving spouses.

7 BY adding to

8 Article – Real Property

9 Section 7–114

10 Annotated Code of Maryland

11 (2015 Replacement Volume and 2016 Supplement)

12 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,  
13 That the Laws of Maryland read as follows:

14 **Article – Real Property**

15 **7–114.**

16 **(A) IN THIS SECTION, “SURVIVING SPOUSE” MEANS THE SURVIVING SPOUSE**  
17 **OF A DECEASED MORTGAGOR.**

18 **(B) A LENDER SHALL SUBSTITUTE THE NAME OF A SURVIVING SPOUSE FOR**  
19 **THE NAME OF A DECEASED MORTGAGOR IN A MORTGAGE IF THE SURVIVING SPOUSE:**

20 **(1) IS NAMED IN THE DEED OF TRUST FOR THE PROPERTY BUT IS NOT**  
21 **NAMED IN THE MORTGAGE; AND**

22 **(2) SUBMITS TO THE LENDER:**

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1                   **(I) A WRITTEN REQUEST FOR SUBSTITUTION; AND**

2                   **(II) A COPY OF THE CERTIFICATE OF DEATH OF THE DECEASED**  
3 **MORTGAGOR.**

4           **(C) THE LENDER SHALL SUBSTITUTE THE NAME OF THE SURVIVING SPOUSE**  
5 **WITHIN 30 DAYS AFTER RECEIPT OF A REQUEST UNDER SUBSECTION (B)(2) OF THIS**  
6 **SECTION.**

7           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
8 October 1, 2017.