

HOUSE BILL 1084

N1
SB 980/19 – JPR

0lr2091
CF SB 154

By: **Delegate Holmes**

Introduced and read first time: February 6, 2020

Assigned to: Environment and Transportation

Committee Report: Favorable

House action: Adopted

Read second time: March 6, 2020

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Recordation of Deeds – Assignments of Rents and Assignments**
3 **of Leases for Security Purposes**

4 FOR the purpose of exempting an assignment of rents and a certain assignment of a lease
5 from certain requirements related to recordation; authorizing a certain assignment
6 of rents or a certain assignment of a lease to be recorded without a certain
7 certification; and generally relating to assignments of rents and assignments of
8 leases for security purposes.

9 BY repealing and reenacting, without amendments,
10 Article – Real Property
11 Section 1–101(a) and (c)
12 Annotated Code of Maryland
13 (2015 Replacement Volume and 2019 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article – Real Property
16 Section 3–104(f)(1)
17 Annotated Code of Maryland
18 (2015 Replacement Volume and 2019 Supplement)

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

21 **Article – Real Property**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 1–101.

2 (a) In this article the following words have the meanings indicated unless
3 otherwise apparent from context.

4 (c) “Deed” includes any deed, grant, mortgage, deed of trust, lease, assignment,
5 and release, pertaining to land or property or any interest therein or appurtenant thereto,
6 including an interest in rents and profits from rents.

7 3–104.

8 (f) (1) (i) In this paragraph, “under the attorney’s supervision” includes
9 review of an instrument by the certifying attorney.

10 (ii) A deed other than a mortgage, A deed of trust, **AN ASSIGNMENT**
11 **OF RENTS, AN ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES**, or an assignment
12 or A release of a mortgage or A deed of trust may not be recorded unless it bears:

13 1. The certification of an attorney admitted to the Bar of this
14 State that the instrument has been prepared by the attorney or under the attorney’s
15 supervision; or

16 2. A certification by a party named in the instrument that
17 the instrument was prepared by that party.

18 (iii) A mortgage, A deed of trust, **AN ASSIGNMENT OF RENTS, AN**
19 **ASSIGNMENT OF A LEASE FOR SECURITY PURPOSES**, or an assignment or A release of a
20 mortgage or A deed of trust prepared by any attorney or one of the parties named in the
21 instrument may be recorded without the certification required under subparagraph (ii) of
22 this paragraph.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2020.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.