

Department of Legislative Services  
Maryland General Assembly  
2020 Session

FISCAL AND POLICY NOTE  
Third Reader

House Bill 1084 (Delegate Holmes)

Environment and Transportation

Judicial Proceedings

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

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This bill authorizes an assignment of rents or an assignment of a lease for security purposes that is prepared by any attorney or one of the parties named in the instrument to be recorded *without* certification, as specified.

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Fiscal Summary

**State Effect:** The bill does not materially affect State operations or finances.

**Local Effect:** The bill does not materially affect the operations or finances of the circuit courts or local governments.

**Small Business Effect:** Minimal.

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Analysis

**Current Law/Background:** A deed *other than* a mortgage, deed of trust, or an assignment or release of a mortgage or deed of trust may not be recorded unless the instrument bears either (1) the certification of an attorney admitted to the Bar of this State that the instrument has been prepared by the attorney or under the attorney’s supervision or (2) a certification by a party named in the instrument that the instrument was prepared by that party. For purposes of the certification, “under the attorney’s supervision” includes review of an instrument by the certifying attorney.

A mortgage, deed of trust, or an assignment or release of a mortgage or deed of trust prepared by any attorney or one of the parties named in the instrument may be recorded without the required certification.

Generally, “deed” includes any deed, grant, mortgage, deed of trust, lease, assignment, and release, pertaining to land or property or any interest in property.

In addition to the State requirements, individual jurisdictions may have similar requirements in public local laws or ordinances.

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### **Additional Information**

**Prior Introductions:** SB 980 of 2019 received a hearing in the Senate Judicial Proceedings Committee, but no further action was taken.

**Designated Cross File:** SB 154 (Senator West) - Judicial Proceedings.

**Information Source(s):** Judiciary (Administrative Office of the Courts); Department of Legislative Services

**Fiscal Note History:** First Reader - February 21, 2020  
rh/jkb Third Reader - March 12, 2020

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