

SENATE BILL 163

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By: **Senator Watson**

Introduced and read first time: January 18, 2023

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Recordation and Land Records – Requirements**

3 FOR the purpose of limiting the requirement that an instrument effecting a change in
4 ownership of real property be endorsed by the assessment office for a county to only
5 those transfers subject to an agricultural land transfer tax; altering certain
6 provisions relating to the filing, maintenance, and transmittal of land records;
7 establishing that a deed of trust or mortgage presented for recordation is not
8 required to be accompanied by an intake sheet or information that would otherwise
9 be provided in an intake sheet unless required by a clerk of the circuit court;
10 establishing that a certain wage lien statement may be released in the same manner
11 as certain other liens; and generally relating to the recordation of instruments
12 affecting real property and land records.

13 BY repealing and reenacting, with amendments,

14 Article – Real Property

15 Section 1–101, 3–104(a), (c)(5), (d), (e)(1), and (g), 3–105, 3–105.2(a) and (d), 3–106,
16 3–108(a) through (d), 3–301 through 3–304, 3–403, 3–404, 7–105.5(c), and
17 8–402.2

18 Annotated Code of Maryland

19 (2015 Replacement Volume and 2022 Supplement)

20 BY repealing

21 Article – Real Property

22 Section 3–104(c)(4), 3–107, and 7–201

23 Annotated Code of Maryland

24 (2015 Replacement Volume and 2022 Supplement)

25 BY repealing and reenacting, without amendments,

26 Article – Real Property

27 Section 3–105.2(b) and (c), 3–108(e), and 7–105.5(a) and (b)

28 Annotated Code of Maryland

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(2015 Replacement Volume and 2022 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
That Section(s) 3–107 and 7–201 of Article – Real Property of the Annotated Code of
Maryland be repealed.

SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland read
as follows:

Article – Real Property

1–101.

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

(b) “County” includes Baltimore City.

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

(d) **(1)** “Deed of trust” means [only] a deed of trust [which] **THAT** secures a
debt or the performance of an obligation[, and].

(2) “**DEED OF TRUST**” does not include a voluntary grant unrelated to
security purposes.

(e) “Grant” includes conveyance, assignment, and transfer.

(f) “Land” [has the same meaning as “property”] **MEANS PROPERTY.**

(g) “Landlord” means any landlord, including a [“lessor”] **LESSOR.**

(H) “**LAND RECORD**” **MEANS ANY DOCUMENT RECORDED BY A CLERK OF
THE CIRCUIT COURT AFFECTING THE TITLE TO PROPERTY.**

[h] **(I)** “Lease” means any oral or written agreement, express or implied,
creating a landlord and tenant relationship, including any [“sublease”] **SUBLEASE** and any
further sublease.

[i] **(J)** “Mortgage” means any mortgage, including a deed in the nature of
mortgage.

1 the deed an appropriate certification and the endorsement shall be sufficient authority for
2 transfer on the assessment books.]

3 ~~[(5)]~~ (4) At the time of transfer of real property subject to a semiannual
4 payment schedule for the payment of property taxes, only those semiannual payments that
5 are due for the current taxable year under § 10–204.3 of the Tax – Property Article must
6 be paid prior to the transfer of the property.

7 (d) (1) Every deed or other instrument offered for recordation shall have the
8 name of each person typed or printed directly above or below the signature of the person.

9 (2) If a typed or printed name is not provided as required in this subsection,
10 the clerk shall make reasonable efforts to determine the correct name under which the deed
11 or other instrument shall be indexed.

12 (e) (1) (I) Any printed deed or other instrument offered for recordation
13 shall [be]:

14 1. **BE** printed in not less than [eight–point] **10 POINT** type
15 and in black letters and be on white paper of sufficient weight and thickness to be clearly
16 readable[. If the deed or other instrument is wholly typewritten or typewritten on a printed
17 form, the typewriting shall be in black letters, in not less than elite type and upon white
18 paper of sufficient weight or thickness as to be clearly readable. The foregoing provisions
19 do not apply to manuscript covers or backs customarily used on documents offered for
20 recordation. The recording charge for any instrument not conforming to these requirements
21 shall be treble the normal charge. In any clerk’s office where the deeds or other instruments
22 are photostated or microfilmed, no instrument on which a rider has been placed or attached
23 in a manner obscuring, hiding, or covering any other part of the instrument may be offered
24 or received for record. No instrument not otherwise readily subject to photostating or
25 microfilming may be offered or received for record until treble the normal recording charge
26 is paid to the clerk and unless an affidavit, black type on white paper, is attached and made
27 a part of the document stating the kind of instrument, the date, the parties to the
28 transaction, description of the property, and all other pertinent data.]; **AND**

29 2. **INCLUDE AT LEAST A 3–INCH MARGIN AT THE TOP OF**
30 **THE FIRST PAGE AND 1–INCH MARGINS ON ALL REMAINING SIDES OF EACH PAGE OF**
31 **THE INSTRUMENT FOR OFFICIAL USE.**

32 (II) **A CLERK MAY REFUSE TO RECORD AN INSTRUMENT THAT**
33 **DOES NOT MEET THE REQUIREMENTS OF SUBPARAGRAPH (I) OF THIS PARAGRAPH.**

34 (III) After any document has been recorded in one county, a certified
35 copy of the recorded document may be recorded in any other county.

36 (g) (1) This subsection does not apply to:

1 (i) A DEED OF TRUST OR A MORTGAGE, UNLESS REQUIRED BY
2 THE CLERK;

3 (II) An assignment of a mortgage or, if presented for recordation, an
4 assignment of a deed of trust;

5 [(ii)] (III) A release of a deed of trust or mortgage;

6 [(iii)] (IV) A substitution of trustees on a deed of trust;

7 [(iv)] (V) A power of attorney;

8 [(v)] (VI) A financing statement or an amendment, continuation,
9 release, or termination of a financing statement recorded in land records; or

10 [(vi)] (VII) A restrictive covenant modification executed under §
11 3–112 of this subtitle.

12 (2) Except as provided in paragraph (1) of this subsection, each deed or
13 other instrument affecting property and presented for recordation shall be:

14 (i) Accompanied by a complete intake sheet, on the form that the
15 Administrative Office of the Courts provides; or

16 (ii) Endorsed as provided under paragraph (8) of this subsection.

17 (3) A complete intake sheet shall:

18 (i) Describe the property by at least one of the following property
19 identifiers:

20 1. The property tax account identification number, if any, or
21 in Montgomery County, any parcel identifier required under § 3–501 of this title, if different
22 from the tax account number;

23 2. The street address, if any;

24 3. If the property is a lot within a subdivided tract, the lot
25 and block designation, or in Baltimore City, the current land record block number;

26 4. If the property is part of a tract that has been subdivided
27 informally and there is neither an assigned tax account identification number for the parcel
28 nor a lot and block designation, then the street address, if any, or the amount of acreage;
29 or

1 5. If the property consists of multiple parcels, the
2 designation “various lots of ground” or the abbreviation “VAR. L.O.G.”;

3 (ii) Name each grantor, donor, mortgagor, and assignor and each
4 grantee, donee, mortgagee, and assignee;

5 (iii) State the type of instrument;

6 (iv) State the amount of consideration payable, including the amount
7 of any mortgage or deed of trust indebtedness assumed, or the principal amount of debt
8 secured;

9 (v) State the amount of recording charges due, including the land
10 records surcharge and any transfer and recordation taxes;

11 (vi) Identify, by citation or explanation, each claimed exemption from
12 recording taxes;

13 (vii) For an instrument effecting a change in ownership, state a tax
14 bill mailing address; and

15 (viii) Indicate the person to whom the instrument is to be returned.

16 (4) An intake sheet may request any other information that the
17 Administrative Office of the Courts considers necessary in expediting transfers of property
18 or recording and indexing of instruments.

19 (5) A clerk may not charge any fee for recording an intake sheet.

20 (6) A clerk may not refuse to record an instrument that does not effect a
21 change of ownership on the assessment books solely because it is not accompanied by an
22 intake sheet.

23 (7) A clerk may refuse to record a deed or instrument that effects a change
24 of ownership on the assessment rolls if the instrument is not accompanied by a complete
25 intake sheet or endorsed as transferred on the assessment books by the assessment office
26 for the county where the property is located.

27 (8) (i) If a deed or other instrument that effects a change in ownership
28 is submitted for transfer on the assessment books without an intake sheet, the person
29 offering the deed or other instrument shall mail or deliver to the person having charge of
30 the assessment books the information required on the intake sheet.

31 (ii) When property is transferred on the assessment books under this
32 paragraph:

1 1. The transfer shall be to the grantee or assignee named in
2 the deed or other instrument; and

3 2. The person recording the transfer shall evidence the fact
4 of the transfer on the deed or other instrument.

5 (iii) An endorsement under this paragraph is sufficient to authorize
6 the recording of the deed or other instrument by the clerk of the appropriate court.

7 (9) A clerk may not record an instrument that effects a real property lease
8 dealing in natural gas and oil unless the instrument is accompanied by a complete intake
9 sheet.

10 (10) (i) An intake sheet shall be recorded immediately after the
11 instrument it accompanies.

12 (ii) The intake sheet is not part of the instrument and does not
13 constitute constructive notice as to the contents of the instrument.

14 (iii) The lack of an intake sheet does not affect the validity of any
15 conveyance, lien, or lien priority based on recordation of an instrument.

16 3–105.

17 (a) A mortgage or deed of trust may be released validly by any procedure
18 enumerated in this section or § 3–105.2 of this subtitle.

19 (b) **(1)** A release may be endorsed on the original mortgage or deed of trust by
20 the mortgagee or [his] AN assignee **OF THE MORTGAGEE**, the trustee or [his] A successor
21 **OF THE TRUSTEE** under a deed of trust, or by the holder of the debt or obligation secured
22 by the deed of trust.

23 **(2)** The mortgage or the deed of trust, with the endorsed release, then shall
24 be filed in the office in which the mortgage or deed of trust is recorded.

25 **(3)** The clerk shall record the release [photographically], with an
26 attachment or rider affixed to it containing the names of the parties as they appear on the
27 original mortgage or deed of trust, together with a reference to the book and page number
28 where the mortgage or deed of trust is recorded.

29 [(c) At the option of the clerk of the court in whose office the book form of recording
30 is used, the release may be written by the mortgagee, or his assignee, or the trustee, or his
31 successor under a deed of trust, on the record in the office where the mortgage or deed of
32 trust is recorded and attested by the clerk of the court. At the time of recording any
33 mortgage or deed of trust, the clerk of the court in whose office the book form of recording

1 is used shall leave a blank space at the foot of the mortgage or deed of trust for the purpose
2 of entering such release.]

3 [(d)] (C) (1) (I) When the debt secured by a deed of trust is paid fully or
4 satisfied, and any bond, note, or other evidence of the total indebtedness is marked “paid”
5 or “canceled” by the holder or [his] AN agent OF THE MORTGAGEE, it may be received by
6 the clerk and indexed and recorded as any other instrument in the nature of a release.

7 (II) The marked note has the same effect as a release of the property
8 for which it is the security, as if a release were executed by the named trustees, if there is
9 attached to or endorsed on the note an affidavit of the holder, the party making satisfaction,
10 or an agent of either of them, that it has been paid or satisfied, and specifically setting forth
11 the land record reference where the original deed of trust is recorded.

12 (2) (I) When the debt secured by a mortgage is paid fully or satisfied,
13 and the original mortgage is marked “paid” or “canceled” by the mortgagee or [his] AN
14 agent OF THE MORTGAGEE, it may be received by the clerk and indexed and recorded as
15 any other instrument in the nature of a release.

16 (II) The marked mortgage has the same effect as a release of the
17 property for which it is the security, as if a release were executed by the mortgagee, if there
18 is attached to or endorsed on the mortgage an affidavit of the mortgagee, the mortgagor,
19 the party making satisfaction, or the agent of [any of them] THE MORTGAGEE, THE
20 MORTGAGOR, OR THE PARTY MAKING SATISFACTION, that it has been paid or satisfied,
21 and specifically setting forth the land record reference where the mortgage is recorded.

22 (3) (I) When the debt secured by a mortgage or deed of trust is paid fully
23 or satisfied, and the canceled check evidencing final payment or, if the canceled check is
24 unavailable, a copy of the canceled check accompanied by a certificate from the institution
25 on which the check was drawn stating that the copy is a true and genuine image of the
26 original check is presented, it may be received by the clerk and indexed and recorded as
27 any other instrument in the nature of a release.

28 (II) The canceled check or copy accompanied by the certificate has
29 the same effect as a release of the property for which the mortgage or deed of trust is the
30 security, as if a release were executed by the mortgagee or named trustees, if:

31 [(i)] 1. The party making satisfaction of the mortgage or deed of
32 trust has:

33 [1.] A. Allowed at least a 60–day waiting period, from the
34 date the mortgage or deed of trust is paid fully or is satisfied, for the party satisfied to
35 provide a release suitable for recording;

1 **[2.] B.** Sent the party satisfied a copy of this section and a
2 notice that, unless a release is provided within 30 days, the party making satisfaction will
3 obtain a release by utilizing the provisions of this paragraph; and

4 **[3.] C.** Following the mailing of the notice required under
5 item 2 of this item, allowed an additional waiting period of at least 30 days for the party
6 satisfied to provide a release suitable for recording; **[and]**

7 **[(ii)] 2.** The canceled check or copy accompanied by the certificate
8 contains the name of the party whose debt is being satisfied, the debt account number, if
9 any, and words indicating that the check is intended as payment in full of the debt being
10 satisfied; and

11 **[(iii)] 3.** There is attached to the canceled check or copy
12 accompanied by the certificate an affidavit made by a member of the Maryland Bar that
13 the mortgage or deed of trust has been satisfied, that the notice required under item **[(i)] 1**
14 of this **[paragraph] SUBPARAGRAPH** has been sent, and specifically setting forth the land
15 record reference where the original mortgage or deed of trust is recorded.

16 (4) **(I)** When the debt secured by a mortgage or deed of trust is fully paid
17 or satisfied and the holder or the agent of the holder of the mortgage or deed of trust note
18 or other obligation secured by the deed of trust, or the trustee or successor trustee under
19 the deed of trust, executes and acknowledges a certificate of satisfaction substantially in
20 the form specified under § 4–203(d) of this article, containing the name of the debtor, holder,
21 the authorized agent of the holder, or the trustee or successor trustee under the deed of
22 trust, the date, and the land record recording reference of the instrument to be released, it
23 may be received by the clerk and indexed and recorded as any other instrument in the
24 nature of a release.

25 **(II)** The certificate of satisfaction shall have the same effect as a
26 release executed by the holder of a mortgage or the named trustee under a deed of trust.

27 (5) **(I)** When the holder of a mortgage or deed of trust note or other
28 obligation secured by the deed of trust has agreed to release certain property from the lien
29 of the mortgage or deed of trust and the holder or the agent of the holder of the mortgage
30 or deed of trust note or other obligation secured by the deed of trust, or the trustee or
31 successor trustee under the deed of trust executes and acknowledges a certificate of partial
32 satisfaction or partial release substantially in the form specified under § 4–203(e) of this
33 article, containing the name of the debtor, holder, the authorized agent of the holder, or the
34 trustee or successor trustee under the deed of trust, the date, the land record recording
35 reference of the instrument to be partially released, and a description of the real property
36 being released, it may be received by the clerk and indexed and recorded as any other
37 instrument in the nature of a partial release.

1 **(II)** The certificate of partial satisfaction or partial release shall have
2 the same effect as a partial release executed by the holder of a mortgage, the holder of the
3 debt secured by a deed of trust, or the named trustee under a deed of trust.

4 **[(e)] (D)** A release of a mortgage or deed of trust may be made on a separate
5 instrument if it states that the mortgagee, holder of the debt or obligation secured by the
6 deed of trust, trustee, or assignee releases the mortgage or deed of trust and states the
7 names of the parties to the mortgage or deed of trust and the date and recording reference
8 of the mortgage or deed of trust to be released. In addition, any form of release that satisfies
9 the requirements of a deed and is recorded as required by this article is sufficient.

10 **[(f)] (E)** (1) A holder of a debt secured by a mortgage or deed of trust, or a
11 successor of a holder, may release part of the collateral securing the mortgage or deed of
12 trust by executing and acknowledging a partial release on an instrument separate from the
13 mortgage or deed of trust.

14 (2) A partial release shall:

15 (i) Be executed and acknowledged;

16 (ii) Contain the names of the parties to the mortgage or deed of trust,
17 the date, and the land record recording reference of the instrument subject to the partial
18 release; and

19 (iii) Otherwise satisfy the requirements of a valid deed.

20 (3) The clerk of the court shall accept, index, and record, as a partial
21 release, an instrument that complies with and is filed under this section.

22 (4) Unless otherwise stated in an instrument recorded among the land
23 records, a trustee under a deed of trust may execute, acknowledge, and deliver partial
24 releases.

25 **[(g)] (F)** If a full or partial release of a mortgage or deed of trust is recorded
26 [other than at the foot of the recorded mortgage or deed of trust], the clerk shall place a
27 reference to the book and page number or other place where the release is recorded on the
28 recorded mortgage or deed of trust.

29 **[(h)] (G)** Unless otherwise expressly provided in the release, a full or partial
30 release that is recorded for a mortgage or deed of trust that is re-recorded, amended,
31 modified, or otherwise altered or affected by a supplemental instrument and which cites
32 the released mortgage or deed of trust by reference to only the original recorded mortgage,
33 deed of trust, or supplemental instrument to the original mortgage or deed of trust, shall
34 be effective as a full or partial release of the original mortgage or deed of trust and all
35 supplemental instruments to the original mortgage or deed of trust.

1 [(i)] (H) Unless otherwise expressly provided in the release, a full or partial
2 release that is recorded for a mortgage or deed of trust, or for any re-recording, amendment,
3 modification, or supplemental instrument to the mortgage or deed of trust shall terminate
4 or partially release any related financing statements, but only to the extent that the
5 financing statements describe fixtures that are part of the collateral described in the full
6 or partial release.

7 3-105.2.

8 (a) In this section, “lien instrument” means:

9 (1) A lien created under the Maryland Contract Lien Act;

10 (2) An instrument creating or authorizing the creation of a lien in favor of
11 a homeowners’ association, a condominium council of unit owners, a property owners
12 association, or a community association;

13 (3) A security agreement; or

14 (4) A [vendor’s lien] **WAGE LIEN STATEMENT RECORDABLE IN LAND**
15 **RECORDS AS AN ENFORCEABLE LIEN UNDER MARYLAND RULE 15-1404.**

16 (b) A mortgage, deed of trust, or lien instrument may be released validly in
17 accordance with this section.

18 (c) When the debt secured by a mortgage, deed of trust, or lien instrument is paid
19 fully or satisfied by a settlement agent licensed by the Maryland Insurance Administration
20 as a title insurance producer under Title 10, Subtitle 1 of the Insurance Article, a title
21 insurer, or a lawyer admitted to the Maryland Bar, and the party satisfied fails to provide
22 a release suitable for recording, the settlement agent, title insurer, or lawyer may prepare
23 and record a statutory release affidavit that:

24 (1) May be received by the clerk and indexed and recorded as any other
25 instrument in the nature of a release or certificate of satisfaction; and

26 (2) Has the same effect as a release of the property for which the mortgage,
27 deed of trust, or lien instrument is the security, as if a release were executed by the
28 mortgagee, named trustees, or secured party.

29 (d) Before the settlement agent, title insurer, or lawyer may record a statutory
30 release affidavit under this section, that person shall:

31 (1) Allow at least a 60-day waiting period from the date the mortgage, deed
32 of trust, or lien instrument is paid fully or satisfied for the party satisfied to provide a
33 release suitable for recording;

1 (2) Send by certified mail, with or without a return receipt, to the party
2 satisfied:

3 (i) A copy of this section;

4 (ii) A copy of the proposed statutory release affidavit that the person
5 intends to record; and

6 (iii) A notice that unless a release suitable for recording is provided
7 within 30 days, the person will obtain a release in accordance with the provisions of this
8 section; **AND**

9 (3) After the mailing of the notice under item (2) of this subsection, allow
10 an additional waiting period of at least 30 days for the party satisfied to provide a release
11 suitable for recording.

12 3–106.

13 The clerk of the **CIRCUIT** court shall record [photographically] any assignment of a
14 mortgage with an attachment or rider affixed to it containing the names of the parties as
15 they appear on the original mortgage and a reference to the book number and page number
16 where the mortgage is recorded.

17 3–108.

18 (a) (1) Except as provided in paragraph (2) of this subsection, the provisions of
19 this section are in addition to any other provisions of the Code, pertaining to recordation of
20 subdivision plats.

21 (2) [The provisions of this] **THIS** section [do] **DOES** not apply in Queen
22 Anne’s County.

23 (b) **(1)** If the owner of land in the State subdivides [his] **THE** land for
24 commercial, industrial, or residential use to be comprised of streets, avenues, lanes, or
25 alleys and lots, and desires, for the purpose of description and identification, to record a
26 plat of the subdivision among the land records of the county where the land lies, the clerk
27 of the court shall accept and record the plat as prescribed in this section.

28 **(2)** The clerk may not accept the plat for record until the owner of land
29 complies with the requirements prescribed in this section.

30 (c) (1) In this subsection, “coordinate” means a number which determines the
31 position of any point in a north or south and an east or west direction in relation to any
32 other point in the same coordinate system.

1 (2) The plat shall be legible, drawn accurately and to scale and shall be
2 submitted for recordation using black ink on transparent mylar[, or linen] or black-line
3 photo process comparable to original quality that will conform to archival standards. [The
4 State Highway Administration may substitute microfilm aperture cards showing property
5 or rights-of-way to be acquired or granted. Microfilm aperture cards must meet archival
6 standards for permanent records.]

7 (3) The plat shall contain the courses and distances of all lines drawn on
8 the plat.

9 (4) With respect to all curved lines, the plat shall show the length of all
10 radii, arcs, and tangents and the courses and distances of all chords.

11 (5) The plat shall contain a north arrow which represents and designates
12 either true or magnetic meridian as of a date specified on the plat or shall be referenced to
13 a recognized coordinate system within the county.

14 (6) All courses shown on the plat shall be calculated from the plat meridian.

15 (7) No distance on the plat may be marked “more or less” except on lines
16 which begin, terminate, or bind on a marsh, stream, or any body of water.

17 (8) **(I)** The plat shall show the position by coordinates of not less than
18 four markers set in convenient places within the subdivision in a manner so that the
19 position of one marker is visible from the position of one other marker.

20 **(II)** From these markers, commonly called [“traverse points”]
21 **TRAVERSE POINTS**, every corner and line can be readily calculated and marked on the
22 ground.

23 **(III)** These markers shall comply with standards that the State Board
24 for Professional Land Surveyors sets by regulation under § 15-208 of the Business
25 Occupations and Professions Article.

26 (9) A certificate stating that the requirement of this subsection, as far as it
27 concerns the making of the plat and setting of the markers, shall be put on the plat and
28 signed by the owner of the land shown on the plat to the best of [his] **THE OWNER’S**
29 knowledge and by the professional land surveyor or property line surveyor preparing it.

30 (d) **(1)** [Three linen copies of the plat shall be mailed or delivered to the clerk]
31 **THE OWNER SHALL MAIL OR DELIVER AT LEAST ONE COPY OF THE PLAT TO THE**
32 **CLERK.**

33 **(2)** **A CLERK MAY REQUIRE THAT TWO COPIES OF THE PLAT BE**
34 **MAILED OR DELIVERED BY THE OWNER.**

1 **(3) (I)** [The] **EXCEPT AS PROVIDED IN SUBPARAGRAPH (II) OF THIS**
 2 **PARAGRAPH, THE** fee is \$5 for each set of plats[, except that a].

3 **(II)** A fee is not required for plats [or microfilm aperture cards]
 4 showing property or rights-of-way to be acquired or granted by the State Highway
 5 Administration.

6 **(III) THE CLERK MAY ASSESS ADDITIONAL FEES IF REQUIRED BY**
 7 **LOCAL LAW OR ORDINANCE.**

8 (e) Each plat shall be signed and sealed by a professional land surveyor or
 9 property line surveyor licensed in the State.

10 3-301.

11 (a) **(1)** If the person offering a deed or other instrument affecting property for
 12 record first pays the recording fees, the clerk of the circuit court of each county shall record
 13 every deed and other instrument affecting property in [well-bound books to be named
 14 "Land Records", if that is the practice in the county, or on microfilm, if that is the practice]
 15 **RECORDS AVAILABLE TO THE PUBLIC.**

16 **(2)** The clerk shall endorse on the deed or other instrument the time [he
 17 receives] **OF RECEIPT OF** the document for recording and the endorsement shall show in
 18 the [Land Records] **LAND RECORDS.**

19 **(3)** Any deed or other instrument affecting property which also affects
 20 personal property shall be recorded in the same manner in the [Land Records] **LAND**
 21 **RECORDS** only, and not in the ["Financing Records"] **FINANCING STATEMENTS.**

22 [(b) If an interested party so requests, the "Financing Records" provided for in §
 23 9-402(9) of the Commercial Law Article shall include a notation that the instrument is
 24 recorded among the "Land Records". The instrument also shall be indexed in the general
 25 alphabetical index provided in § 3-302 of this subtitle. The notation and indexing have the
 26 same effect as if the instrument were recorded in full among the "Financing Records".]

27 [(c) **(B) (1)** The clerk may not refuse to accept any deed or other document
 28 entitled to be recorded, solely on the grounds that the deed or document contains a
 29 strike-through, interlineation, or other corrections.

30 **(2)** The clerk may refuse to accept for re-recording, a previously recorded
 31 deed or document that has been corrected or altered by a strike-through, interlineation, or
 32 similar corrective measures, and that has not been re-executed, [initialled] **INITIALED**, or
 33 otherwise ratified in writing by the party or parties affected by the correction.

34 3-302.

1 (a) (1) The clerk of the circuit court of each county shall make and maintain a
2 full and complete general alphabetical index of every deed, and other instrument [in a
3 well-bound book in his office].

4 (2) The index shall [be]:

5 (I) **BE** both in the name of each grantor, donor, mortgagor, and
6 assignor, and each grantee, donee, mortgagee, or assignee[. It shall include]; **AND**

7 (II) **INCLUDE** the book and page of the recordation of every
8 instrument designating these names.

9 (3) The clerk shall index every deed or other instrument [retaining a
10 vendor's lien both as a deed and as a vendor's lien,] in the same manner as mortgages are
11 indexed.

12 (b) [In every clerk's office where land records are not recorded in book form, the]
13 **THE** clerk shall index every assignment of a mortgage, deed of trust, and release or partial
14 [releases] **RELEASE** of a deed of trust, whether in long or short form, [in the general
15 alphabetical index, and shall place an entry in the general alphabetical index where the
16 instrument is indexed, on the same horizontal line, indicating the place of record of the
17 original instrument being assigned or released] **AND ANY REFUND OF STATE TRANSFER**
18 **TAXES.**

19 [(c) The clerk of the circuit court of each county shall date each change or
20 correction made to information in the general alphabetical index on the horizontal line on
21 which the change or correction was made.]

22 [(d)] (C) (1) If a court [of equity] decrees a payment of cost or makes some
23 other decree for payment of money by a plaintiff, the clerk immediately shall [enter] **INDEX**
24 the plaintiff's name [in a separate index, known as the index of plaintiffs].

25 (2) Until the plaintiff's name is indexed, no lien under the decree
26 arises against the property of the plaintiff and no right of execution accrues on the decree.

27 [(e)] (D) (1) The clerk shall [include in the] index each property identifier
28 provided on an intake sheet under § 3-104(g) of this title [or, if the space available in the
29 index will not accommodate all of the identifiers, then as many as the space allows, giving
30 priority to identifiers in the order in which they are listed in § 3-104(g)(3)(i) of this title].

31 (2) The clerk shall rely on the instrument that is accompanied by the
32 intake sheet for indexing of grantor's and grantee's names.

33 3-303.

1 The clerk shall [make a microfilm picture or other copy of every document he records
2 and] transmit **RECORDED DOCUMENTS** [the microfilm pictures or copies] to the State
3 Archivist [at the end of each year. When requested by the State Archivist, the clerk also
4 shall make a microfilm picture or copy of the general index].

5 3–304.

6 (A) The clerk shall [fasten securely one copy of] **RECORD** each plat described
7 under § 3–108 [in a book provided for that purpose or shall record the plat] **OF THIS TITLE**.

8 (B) [He] **THE CLERK** promptly shall send one copy of each plat to the supervisor
9 of assessments of the county and one copy[, with one half of the filing fee,] to the State
10 Archivist, who shall number and file the plat as part of the records of [his office and shall
11 notify the clerk of the number given] **THE STATE ARCHIVES**.

12 (C) The **STATE** Archivist shall mail or deliver, free of cost, to any supervisor of
13 assessments of the State, a copy of the plat on request.

14 (D) (1) Nothing in this section affects any recording fee of the clerk of the court
15 under any local legislation prescribing recording fees for subdivision plats.

16 (2) The clerk and the **STATE** Archivist shall keep accurate memoranda of
17 the filing fees.

18 3–403.

19 (a) [If] **A FILING OFFICER SHALL RECORD** a notice of federal lien, a refile of
20 a notice of federal lien, or a notice of revocation of any certificate described in subsection
21 (b) of this section [is] presented to the filing officer[, he shall cause the notice to be marked,
22 indexed, and recorded in an alphabetical federal lien index, showing on one line the name
23 and residence of the person named in the notice, the U.S. government serial number of the
24 notice, the date and hour of filing, and the amount of the lien with the interest, penalties,
25 and costs. He shall file and keep all original notices so filed in numerical order in a file, or
26 files, and designated federal lien notices].

27 (b) [If] **A FILING OFFICER SHALL RECORD** a certificate of release,
28 nonattachment, discharge, or subordination of any lien [is] presented to the filing officer
29 [for filing he shall enter the same with date of filing in said federal lien index on the line
30 where notice of the lien so affected is entered, and permanently attach the original
31 certificate of release, nonattachment, discharge or subordination to the original notice of
32 lien].

33 3–404.

1 The fee for filing and indexing each notice of lien or certificate or notice affecting the
2 lien is \$3. [The office shall bill the district directors of internal revenue or other appropriate
3 federal officials on a monthly basis for fees for documents filed by them.]

4 7–105.5.

5 (a) In this section, “holder of a subordinate interest” includes any condominium
6 council of unit owners or homeowners association that has filed a request for notice of sale
7 under subsection (c) of this section.

8 (b) The person authorized to make a sale in an action to foreclose a mortgage or
9 deed of trust shall give written notice of any proposed foreclosure sale to the holder of any
10 subordinate mortgage, deed of trust, or other subordinate interest, including a judgment,
11 in accordance with § 7–105.4 of this subtitle and the requirements of Maryland Rule
12 14–210.

13 (c) (1) The land records office of each county shall maintain a current listing
14 of recorded requests for notice of sale by holders of subordinate mortgages, deeds of trust,
15 or other subordinate interests.

16 (2) The holder of a subordinate mortgage, deed of trust, or other
17 subordinate interest may file a request for notice under this subsection.

18 (3) Each request for notice of sale shall:

19 (i) Be recorded in a separate [docket or book] **PAPER OR**
20 **ELECTRONIC INDEX** which shall be indexed under the name of the holder of the superior
21 mortgage or deed of trust and under the book and page numbers where the superior
22 mortgage or deed of trust is recorded;

23 (ii) Identify the property in which the subordinate interest is held;

24 (iii) State the name and address of the holder of the subordinate
25 interest; and

26 (iv) Identify the superior mortgage or deed of trust by stating:

27 1. The names of the original parties to the superior mortgage
28 or deed of trust;

29 2. The date the superior mortgage or deed of trust was
30 recorded; and

31 3. The office, docket or book, and page where the superior
32 mortgage or deed of trust is recorded.

1 (4) (i) Except as provided in subparagraph (ii) of this paragraph, failure
2 of a holder of a subordinate mortgage, deed of trust, or other subordinate interest to record
3 a request for notice under this subsection does not affect the duty of a holder of a superior
4 interest to provide notice as required under this section.

5 (ii) A holder of a superior interest does not have a duty to provide
6 notice to a condominium council of unit owners or homeowners association that has not
7 filed a request for notice under this subsection.

8 8-402.2.

9 (a) (1) This section applies to property:

10 (i) Leased for business, commercial, manufacturing, mercantile, or
11 industrial purposes, or any other purpose that is not primarily residential;

12 (ii) Improved or to be improved by any apartment, condominium,
13 cooperative, or other building for multifamily use of greater than four dwelling units; or

14 (iii) Leased for dwellings or mobile homes that are erected or placed
15 in a mobile home development or mobile home park.

16 (2) This section does not apply to residential property that is or was used,
17 intended to be used, or authorized to be used for four or fewer dwelling units.

18 (b) **(1)** Whenever, in a case that involves a 99-year ground lease renewable
19 forever, at least 6 months ground rent is in arrears and the landlord has the lawful right
20 to reenter for the nonpayment of the rent, the landlord, no less than 45 days after sending
21 to the tenant by certified mail, return receipt requested, at the tenant's last known address,
22 and also by first-class mail to the title agent or attorney listed on the deed to the property
23 or the intake sheet recorded with the deed, a bill for the ground rent due, may bring an
24 action for possession of the property under § 14-108.1 of this article[; if].

25 **(2) (I) IF** the tenant cannot be personally served **IN ACCORDANCE**
26 **WITH PARAGRAPH (1) OF THIS SUBSECTION**, or there is no tenant in actual possession
27 of the property, service by posting notice on the property may be made in accordance with
28 the Maryland Rules.

29 **(II)** Personal service or posting in accordance with the Maryland
30 Rules shall stand in the place of a demand and reentry.

31 (c) (1) Before entry of a judgment the landlord shall give written notice of the
32 pending entry of judgment to each mortgagee of the lease, or any part of the lease, who
33 before entry of the judgment has recorded in the land records of each county where the
34 property is located a timely request for notice of judgment.

1 **(2)** A request for notice of judgment **DESCRIBED UNDER PARAGRAPH (1)**
2 **OF THIS SUBSECTION** shall:

3 (i) Be recorded in a separate [docket or book] **PAPER OR**
4 **ELECTRONIC INDEX** that is indexed under the name of the mortgagor;

5 (ii) Identify the property on which the mortgage is held and refer to
6 the date and recording reference of that mortgage;

7 (iii) State the name and address of the holder of the mortgage; and

8 (iv) Identify the ground lease by stating:

9 1. The name of the original lessor;

10 2. The date the ground lease was recorded; and

11 3. The office, docket or book, and page where the ground
12 lease is recorded.

13 **[(2)] (3) (I)** The landlord shall mail the notice by certified mail return
14 receipt requested to the mortgagee at the address stated in the recorded request for notice
15 of judgment.

16 **(II)** If the notice is not given, judgment in favor of the landlord does
17 not impair the lien of the mortgagee.

18 **(III)** Except as otherwise provided in this subsection, the property is
19 discharged from the lease and the rights of all persons claiming under the lease are
20 foreclosed unless, within 6 calendar months after execution of the judgment for possession,
21 the tenant or any other person claiming under the lease:

22 **[(i)] 1.** Pays the ground rent, arrears, and all costs awarded
23 against that person; and

24 **[(ii)] 2.** Commences a proceeding to obtain relief from the
25 judgment.

26 (d) This section does not bar the right of any mortgagee of the lease, or any part
27 of the lease, who is not in possession at any time before expiration of 6 calendar months
28 after execution of the judgment awarding the landlord possession, to pay all costs and
29 damages sustained by the landlord and to perform all the covenants and agreements that
30 are to be performed by the tenant.

31 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
32 October 1, 2023.

