

# HOUSE BILL 1308

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HB 845/23 – JUD

4lr2552

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By: **Delegates Wivell and Valentine**

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

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Committee Report: Favorable

House action: Adopted

Read second time: March 5, 2024

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Real Property – Recordation of Instrument With False Information – Penalties**  
3 **and Actions to Quiet Title**

4 FOR the purpose of prohibiting a person from recording a deed or other instrument that  
5 the person knows contains false information; establishing a certain statute of  
6 limitations; authorizing a court to award certain costs in an action to quiet title if  
7 the action or a defense to an action is based on the alleged recordation of a deed  
8 containing false information; and generally relating to the recordation of a deed or  
9 other instrument.

10 BY repealing and reenacting, without amendments,  
11 Article – Courts and Judicial Proceedings  
12 Section 5–106(a)  
13 Annotated Code of Maryland  
14 (2020 Replacement Volume and 2023 Supplement)

15 BY adding to  
16 Article – Courts and Judicial Proceedings  
17 Section 5–106(gg)  
18 Annotated Code of Maryland  
19 (2020 Replacement Volume and 2023 Supplement)

20 BY adding to  
21 Article – Real Property  
22 Section 3–104.2

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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 Annotated Code of Maryland  
2 (2023 Replacement Volume)

3 BY repealing and reenacting, without amendments,  
4 Article – Real Property  
5 Section 14–607  
6 Annotated Code of Maryland  
7 (2023 Replacement Volume)

8 BY repealing and reenacting, with amendments,  
9 Article – Real Property  
10 Section 14–617  
11 Annotated Code of Maryland  
12 (2023 Replacement Volume)

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

15 **Article – Courts and Judicial Proceedings**

16 5–106.

17 (a) Except as provided by this section, § 1–303 of the Environment Article, and §  
18 8–1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be  
19 instituted within 1 year after the offense was committed.

20 **(GG) A PROSECUTION FOR AN OFFENSE UNDER § 3–104.2 OF THE REAL**  
21 **PROPERTY ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE**  
22 **WAS COMMITTED.**

23 **Article – Real Property**

24 **3–104.2.**

25 **(A) A PERSON MAY NOT RECORD A DEED OR OTHER INSTRUMENT THAT THE**  
26 **PERSON KNOWS CONTAINS FALSE INFORMATION, INCLUDING INFORMATION**  
27 **RELATED TO THE OWNERSHIP OF THE PROPERTY.**

28 **(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR**  
29 **AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.**

30 14–607.

31 (a) An answer to a complaint under this subtitle shall be verified and shall set  
32 forth:

1 (1) Any claim the defendant has to the property that is the subject of the  
2 action;

3 (2) Any facts tending to controvert any material allegations of the  
4 complaint that the defendant does not wish to be taken as true; and

5 (3) A statement of any new matter constituting a defense.

6 (b) If the defendant disclaims any interest in the title of the property in the  
7 answer or allows judgment to be taken without answer, the plaintiff may not recover costs.

8 14–617.

9 (a) In all cases the plaintiff shall submit evidence at a hearing before the court  
10 establishing the plaintiff’s title and the court may hear or take any evidence offered  
11 respecting the claims of any defendant, other than claims the validity of which is admitted  
12 by the plaintiff in the complaint.

13 (b) (1) A judgment in an action under this subtitle shall be recorded in the land  
14 records of the county in which any portion of the property is located.

15 (2) The clerk shall index the judgment in accordance with § 3–302 of this  
16 article, with the parties against whom the judgment is entered as grantor and the party in  
17 whose favor the judgment is entered as grantee.

18 (c) **EXCEPT AS PROVIDED UNDER § 14–607(B) OF THIS SUBTITLE, A COURT**  
19 **MAY AWARD TO EITHER PARTY COSTS AND REASONABLE ATTORNEY’S FEES IF A**  
20 **CLAIM OR DEFENSE IN THE CASE IS RELATED TO AN ALLEGED VIOLATION OF §**  
21 **3–104.2 OF THIS ARTICLE.**

22 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
23 October 1, 2024.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.