



Testimony offered on behalf of:
MARYLAND MORTGAGE BANKERS & BROKERS ASSOCIATION, INC.

IN OPPOSITION TO:
**SB0820 – Wills, Powers of Attorney, and Advance Directives –
Electronic Execution**

Senate Judicial Proceedings Committee
Hearing – 3/9/2021 at 1:00 PM

The Maryland Mortgage Bankers and Brokers Association, Inc. (“MMBBA”) **OPPOSES SENATE BILL 820**, unless the bill is amended so that the Power of Attorney provisions in it, do not apply to real estate transactions.

Under current Maryland law, Estates and Trusts Article §17-110, a Power of Attorney must be signed by a principal, acknowledged by a notary public, and attested and signed by two adult witnesses. SB0820 would require that if a Power of Attorney is executed electronically, it must be done in the physical or electronic presence of a supervising attorney, who may be one of the witnesses. This requirement may prove difficult and expensive to accomplish. It will increase the closing costs in residential mortgage transactions.

The Revised Uniform Law on Notarial Acts (RULONA), (Senate Bill 678/Chapter 407 of the Laws of Maryland of 2019), as amended by Senate Bill 636/Chapter 571 of the Laws of Maryland of 2020), effective October 1, 2020) amended State Government Article, Title 18, Subtitle 2 to authorize remote notarizations. There is no requirement in RULONA for the presence of a supervising attorney, for a Power of Attorney or otherwise. For example, Deeds may be executed and recorded in Maryland, remotely or in person, without a supervising attorney.

If SB0820 is amended to *exclude real estate transactions* from its provisions relating to powers of attorney, the Maryland Mortgage Bankers and Brokers Association, Inc. will not object to this bill. Without this amendment, the MMBBA urges an **UNFAVORABLE REPORT on Senate Bill 820**.

Respectfully submitted,

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MMBBA Legislative Committee
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