

SENATE BILL 980

N1

9lr2996

By: **Senator West**

Introduced and read first time: February 18, 2019

Assigned to: Rules

A BILL ENTITLED

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 2018 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 2018 Supplement)

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

Article – Real Property

21
22 1–101.

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

4 3-104.

5 (f) (1) (i) In this paragraph, "under the attorney's supervision" includes
6 review of an instrument by the certifying attorney.

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

10 1. The certification of an attorney admitted to the Bar of this
11 State that the instrument has been prepared by the attorney or under the attorney's
12 supervision; or

13 2. A certification by a party named in the instrument that
14 the instrument was prepared by that party.

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

20 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
21 October 1, 2019.