

SENATE BILL 570

N1

0lr2179

By: **Senator West**

Introduced and read first time: January 31, 2020

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Notice of Easements, Covenants, Restrictions, and Conditions –**
3 **Recordation**

4 FOR the purpose of authorizing notice of certain easements, covenants, restrictions, and
5 conditions to be recorded in the land records of the county in which the property
6 interest is located; specifying the information required to be provided in the notice;
7 requiring that the notice be indexed for recording in a certain manner; providing that
8 failure to record a notice in accordance with this Act does not impair the rights or
9 interests of the holder of an easement, a covenant, a restriction, or a condition; and
10 generally relating to easements, covenants, restrictions, and conditions.

11 BY adding to
12 Article – Real Property
13 Section 3–102.1
14 Annotated Code of Maryland
15 (2015 Replacement Volume and 2019 Supplement)

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

18 **Article – Real Property**

19 **3–102.1.**

20 **(A) IF A RECORDED EASEMENT, A COVENANT, A RESTRICTION, OR A**
21 **CONDITION HAS BEEN GRANTED, DEVISED, DEDICATED, RESERVED, OR DONATED TO**
22 **REAL PROPERTY, A NOTICE OF THE EASEMENT, COVENANT, RESTRICTION, OR**
23 **CONDITION MAY BE RECORDED IN THE LAND RECORDS OF THE COUNTY IN WHICH**
24 **THE PROPERTY INTEREST IS LOCATED.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(B) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL:

(1) STATE THE NAME AND CURRENT ADDRESS OF THE CURRENT HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION;

(2) CONTAIN A STATEMENT THAT THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION IS STILL IN EFFECT AS OF THE DATE OF THE NOTICE;

(3) CONTAIN THE RECORDING INFORMATION FOR THE ORIGINAL EASEMENT, COVENANT, RESTRICTION, OR CONDITION AND THE RECORDING INFORMATION FOR ANY ASSOCIATED AMENDMENT OR CORRECTIVE DOCUMENT; AND

(4) STATE THE NAME OF THE FEE SIMPLE OWNER AND, IF APPLICABLE, A LEASEHOLD OWNER OF THE LAND ENCUMBERED BY THE ORIGINAL EASEMENT, COVENANT, RESTRICTION, OR CONDITION AS OF THE DATE OF THE NOTICE.

(C) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS SECTION SHALL BE INDEXED AMONG THE LAND RECORDS UNDER THE NAME OF:

(1) THE HOLDER OF THE EASEMENT, COVENANT, RESTRICTION, OR CONDITION; AND

(2) THE FEE SIMPLE OWNER AND, IF APPLICABLE, A LEASEHOLD OWNER OF THE LAND ENCUMBERED BY THE ORIGINAL EASEMENT, COVENANT, RESTRICTION, OR CONDITION, AS SPECIFIED IN THE NOTICE.

(D) FAILURE TO RECORD A NOTICE IN ACCORDANCE WITH THE REQUIREMENTS OF THIS SECTION DOES NOT IMPAIR THE RIGHTS OR INTERESTS OF THE HOLDER OF AN EASEMENT, A COVENANT, A RESTRICTION, OR A CONDITION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2020.