

# SENATE BILL 154

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SB 980/19 – JPR

0lr1302

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By: **Senator West**

Introduced and read first time: January 10, 2020

Assigned to: Judicial Proceedings

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## 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 an assignment of leases from  
5 certain requirements related to recordation; authorizing a certain assignment of  
6 rents or an assignment of leases to be recorded without a certain certification; and  
7 generally relating to assignments of rents and assignments of leases for security  
8 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 2019 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 2019 Supplement)

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

21 **Article – Real Property**

22 1–101.

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

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(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.

3–104.

(f) (1) (i) In this paragraph, “under the attorney’s supervision” includes review of an instrument by the certifying attorney.

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

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

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

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

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