HOUSE BILL 1308

N1 HB 845/23 – JUD

By: Delegates Wivell and Valentine

Introduced and read first time: February 9, 2024

Assigned to: Judiciary

AN ACT concerning

1

A BILL ENTITLED

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

- FOR the purpose of prohibiting a person from recording a deed or other instrument that the person knows contains false information; establishing a certain statute of limitations; authorizing a court to award certain costs in an action to quiet title if the action or a defense to an action is based on the alleged recordation of a deed containing false information; and generally relating to the recordation of a deed or 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
- 23 Annotated Code of Maryland
- 24 (2023 Replacement Volume)
- 25 BY repealing and reenacting, without amendments,
- 26 Article Real Property
- 27 Section 14–607

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1	Annotated Code of Maryland
2	(2023 Replacement Volume)
3	BY repealing and reenacting, with amendments,
4	Article – Real Property
5	Section 14–617
$\frac{6}{7}$	Annotated Code of Maryland
7	(2023 Replacement Volume)
8	SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND
9	That the Laws of Maryland read as follows:
10	Article - Courts and Judicial Proceedings
11	5–106.
12	(a) Except as provided by this section, § 1–303 of the Environment Article, and §
13	8-1815 of the Natural Resources Article, a prosecution for a misdemeanor shall be
14	instituted within 1 year after the offense was committed.
15	(GG) A PROSECUTION FOR AN OFFENSE UNDER § 3–104.2 OF THE REAL
16	PROPERTY ARTICLE SHALL BE INSTITUTED WITHIN 3 YEARS AFTER THE OFFENSE
17	WAS COMMITTED.
18	Article - Real Property
19	3–104.2.
20	(A) A PERSON MAY NOT RECORD A DEED OR OTHER INSTRUMENT THAT THE
21	PERSON KNOWS CONTAINS FALSE INFORMATION, INCLUDING INFORMATION
$\overline{22}$	RELATED TO THE OWNERSHIP OF THE PROPERTY.
23	(B) A PERSON WHO VIOLATES THIS SECTION IS GUILTY OF A MISDEMEANOR
24	AND ON CONVICTION IS SUBJECT TO A FINE NOT EXCEEDING \$500.
25	14–607.
0.0	/
2627	(a) An answer to a complaint under this subtitle shall be verified and shall set forth:
28	(1) Any claim the defendant has to the property that is the subject of the
29	action;
30	(2) Any facts tending to controvert any material allegations of the
31	complaint that the defendant does not wish to be taken as true; and

- 1 (3) A statement of any new matter constituting a defense.
- 2 (b) If the defendant disclaims any interest in the title of the property in the 3 answer or allows judgment to be taken without answer, the plaintiff may not recover costs.
- 4 14-617.
- 5 (a) In all cases the plaintiff shall submit evidence at a hearing before the court 6 establishing the plaintiff's title and the court may hear or take any evidence offered 7 respecting the claims of any defendant, other than claims the validity of which is admitted 8 by the plaintiff in the complaint.
- 9 (b) (1) A judgment in an action under this subtitle shall be recorded in the land 10 records of the county in which any portion of the property is located.
- 11 (2) The clerk shall index the judgment in accordance with § 3–302 of this article, with the parties against whom the judgment is entered as grantor and the party in whose favor the judgment is entered as grantee.
- 14 (C) EXCEPT AS PROVIDED UNDER § 14–607(B) OF THIS SUBTITLE, A COURT
 15 MAY AWARD TO EITHER PARTY COSTS AND REASONABLE ATTORNEY'S FEES IF A
 16 CLAIM OR DEFENSE IN THE CASE IS RELATED TO AN ALLEGED VIOLATION OF §
 17 3–104.2 OF THIS ARTICLE.
- SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect 19 October 1, 2024.