

Department of Legislative Services
Maryland General Assembly
2026 Session

FISCAL AND POLICY NOTE
First Reader

House Bill 208
Judiciary

(Delegate Griffith)

Courts - Evidence - Proof of Ownership of Real Property

This bill establishes that in a proceeding involving real property, certain documentation may be used to establish a rebuttable presumption of property ownership. The Supreme Court of Maryland may adopt rules and forms necessary for the bill's implementation. **The bill takes effect July 1, 2026.**

Fiscal Summary

State Effect: The bill is not anticipated to materially affect State operations or finances.

Local Effect: The bill is not anticipated to affect local government operations or finances.

Small Business Effect: None.

Analysis

Bill Summary: The bill's stated purpose is to enable a new owner of real property to engage in legal proceedings to protect the property during the processing time required for the recordation of a deed. Evidence that a deed has been submitted to the clerk of the circuit court for recordation may be used to establish a rebuttable presumption under the bill; other documents required by law for the sale of real property or to secure a mortgage may also be used. The bill further specifies that such evidence may include (1) a certified copy of the recording intake sheet (as required under existing State statute) and (2) a standard HUD-1 Settlement Statement or closing disclosure (as required under federal law).

Current Law: Clerks of the circuit courts are responsible for the recording of land records. Any printed deed or other instrument submitted for recordation must satisfy specific formatting requirements before being recorded.

Additionally, the Judiciary provides a required administrative form (intake sheet) for use that must include specific information, including:

- real property identifiers (tax identification number, address, and lot number);
- names of specific parties;
- the amount of consideration payable;
- recording charges due; and
- any claimed tax exemption.

In general, an intake sheet must be recorded immediately after the instrument it accompanies. The intake sheet is not part of the instrument and does not constitute constructive notice as to the contents of the instrument. The lack of an intake sheet does not affect the validity of any conveyance, lien, or lien priority based on recordation of an instrument.

Under Maryland Rule 5-1002, to prove the content of a writing, recording, or photograph, the original writing, recording, or photograph is required, unless otherwise provided by Rule or statute.

Additional Information

Recent Prior Introductions: Similar legislation has not been introduced within the last three years.

Designated Cross File: None.

Information Source(s): Judiciary (Administrative Office of the Courts); Department of Housing and Community Development; Department of Legislative Services

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jg/jkb

Analysis by: Donovan A. Ham

Direct Inquiries to:
(410) 946-5510
(301) 970-5510