

providing that an attorney who is a member of the Client Security Trust Fund may provide this certification under certain circumstances; and prohibiting the recording of a deed without the required certification.

May 29, 1978

Honorable Steny H. Hoyer
President of the Senate
State House
Annapolis, Maryland 21404

Dear Mr. President:

In accordance with Article II, Section 17 of the Maryland Constitution, I have today vetoed Senate Bill 1109.

This bill provides that title to real property may not be transferred on the assessment books until all taxes, assessments, and charges due to a municipality have been paid. It further provides that the settlement attorney's certification that he has paid all of these charges is sufficient authority to transfer the title. Finally, the bill exempts Montgomery County from its requirements.

It is standard procedure for a settlement attorney to check the status of all taxes and charges on the real property which is to be transferred from one person to another. Only in this manner may he ensure that clear title to the property is conveyed.

However, I fear that the enactment of Senate Bill 1109 will cause an inconvenience to the public. The real estate market for residential properties is very fluid in our State, as it is in many other States. It is not uncommon for a family to move from one home to another, within the State, or between jurisdictions, in the space of a few years. In most of these cases, the family is in the position of having sold a house and purchased another at the same time.

Criticism in the past has been leveled against the overall cost of settlement on real property in Maryland. I believe that Senate Bill 1109 may indirectly contribute to the higher cost of settlement on a home, although that is not its intention. And perhaps the harshest burden which the bill may cause is a delay in the final disposition of a settlement and therefore the final disbursement of funds to the parties.

Senate Bill 1109 is intended to ensure that all municipal taxes are paid before real property is transferred. In fact, current law requires that all public taxes, assessments, and charges must be paid to the treasurer, tax collector, or finance director of the county