

SECTION 1. *Be it enacted by the General Assembly of Maryland,* That new Section 448A be and it is hereby added to the Code of Public Local Laws of Kent County (1959 Edition, being Article 15 of the Code of Public Local Laws of Maryland), title "Kent County," as added by Chapter 244 of the Acts of 1967, to be under the new subtitle "Transfer Tax," and to read as follows:

*Transfer Tax*

*448A.*

(a) *The County Commissioners may impose a tax upon every instrument of writing conveying title to real property offered for record and recorded in Kent County with the Clerk of the Circuit Court, provided that conveyances to the State or to any agency or instrumentality thereof, or any political subdivision of the State, or any nonprofit hospital or religious or charitable organization, association or corporation shall not be subject to the tax imposed under the authority granted by this section. The term "instrument of writing" as used in this section shall not be deemed to include any mortgage, deed of trust, conditional sales contract, or any other device the purpose of which is to afford a security in real property rather than to convey title thereto.*

(b) *The tax authorized by this section shall be levied at the rate of not more than one-half of one per cent (0.5%) of the actual consideration paid or to be paid for the conveyance of title and shall be collected by the Clerk of the Circuit Court prior to his accepting any such instrument for recordation.*

(c) *This tax may also be imposed upon every lease for a term of years above seven, not perpetually renewable, offered for record and recorded, and the tax shall be applied based upon the capitalization at 10 per cent of the average annual rental on the entire term of the lease, including any renewal term, plus the actual consideration, other than rent, paid or to be paid. Where the average annual rental cannot be determined, the tax shall be based upon a figure arrived at by multiplying the assessed value of the property covered by the lease by 166 per cent.*

(d) *Payment of the tax authorized to be imposed by this section shall be evidenced by the fixing to or stamping on the instrument of writing offered for recordation a legend stating that such tax has been paid and the amount of payment and containing the signature of the Clerk or an authorized facsimile thereof. Any instrument so executed shall be prima facie evidence that the tax imposed by this section has been paid.*

(e) *Upon the imposition of this tax any person who:*

(1) *wilfully offers for recordation or records any instrument of writing subject to the tax knowing that such tax has not been paid; or*

(2) *wilfully misrepresents the amount of the actual consideration paid or to be paid in connection with any instrument of writing which is subject to the tax; or*

(3) *forges or counterfeits any official legend or the signature of the Clerk, or any authorized facsimile thereof, to any instrument*