

TITLE 3. RECORDATION.

SUBTITLE 1. GENERAL RULES AND EXCEPTIONS.

3-101. DEEDS REQUIRED TO BE EXECUTED AND RECORDED;
EXCEPTIONS; MEMORANDUM OF LEASE.

(A) GENERAL RULE.

EXCEPT AS OTHERWISE PROVIDED IN THIS SECTION, NO ESTATE OF INHERITANCE OR FREEHOLD, DECLARATION OR LIMITATION OF USE, ESTATE ABOVE SEVEN YEARS, OR DEED MAY PASS OR TAKE EFFECT UNLESS THE DEED GRANTING IT IS EXECUTED AND RECORDED.

(B) OTHER METHODS OF TRANSFERRING EFFECTIVE.

SUBSECTION (A) DOES NOT LIMIT ANY OTHER METHOD OF TRANSFERRING OR CREATING AN ESTATE, DECLARATION, OR LIMITATION WHICH IS PERMITTED BY THE LAW OF THE STATE EXCEPT TO THE EXTENT REQUIRED BY LAW.

(C) CERTAIN LEASES FOR LESS THAN SEVEN YEARS.

THE RECORDING REQUIREMENT OF SUBSECTION (A) DOES NOT APPLY TO ANY LEASE FOR AN INITIAL TERM NOT EXCEEDING SEVEN YEARS IF EACH RENEWAL TERM UNDER THE LEASE (i) IS FOR SEVEN YEARS OR LESS, AND (ii) BY THE PROVISIONS OF THE LEASE, MAY BE EFFECTED OR PREVENTED BY A PARTY TO THE LEASE OR HIS ASSIGNS.

(D) UNRECORDED LEASE EFFECTIVE AGAINST THIRD PARTIES.

IF A LEASE REQUIRED TO BE EXECUTED AND RECORDED UNDER THE PROVISIONS OF SUBSECTION (A) IS EXECUTED BUT NOT RECORDED, THE LEASE IS VALID AND FULLY EFFECTIVE BOTH AT LAW AND IN EQUITY (i) BETWEEN THE ORIGINAL PARTIES TO THE LEASE AND THEIR PERSONAL REPRESENTATIVES, (ii) AGAINST THEIR CREDITORS, AND (iii) AGAINST AND FOR THE BENEFIT OF ANY OTHER PERSON WHO CLAIMS BY, THROUGH, OR UNDER AN ORIGINAL PARTY AND WHO ACQUIRES THE INTEREST CLAIMED WITH ACTUAL NOTICE OF THE LEASE OR AT A TIME WHEN THE TENANT, OR ANYONE CLAIMING BY, THROUGH, OR UNDER THE TENANT, IS IN SUCH ACTUAL OCCUPANCY AS TO GIVE REASONABLE NOTICE TO THE PERSON.

(E) MEMORANDUM OF LEASE.

IN LIEU OF RECORDING A LEASE AS PRESCRIBED ABOVE, A MEMORANDUM OF THE LEASE, EXECUTED BY EVERY PERSON WHO IS A PARTY TO THE LEASE, MAY BE RECORDED WITH LIKE EFFECT. A MEMORANDUM OF LEASE THUS ENTITLED TO BE RECORDED SHALL CONTAIN AT LEAST THE FOLLOWING INFORMATION WITH RESPECT