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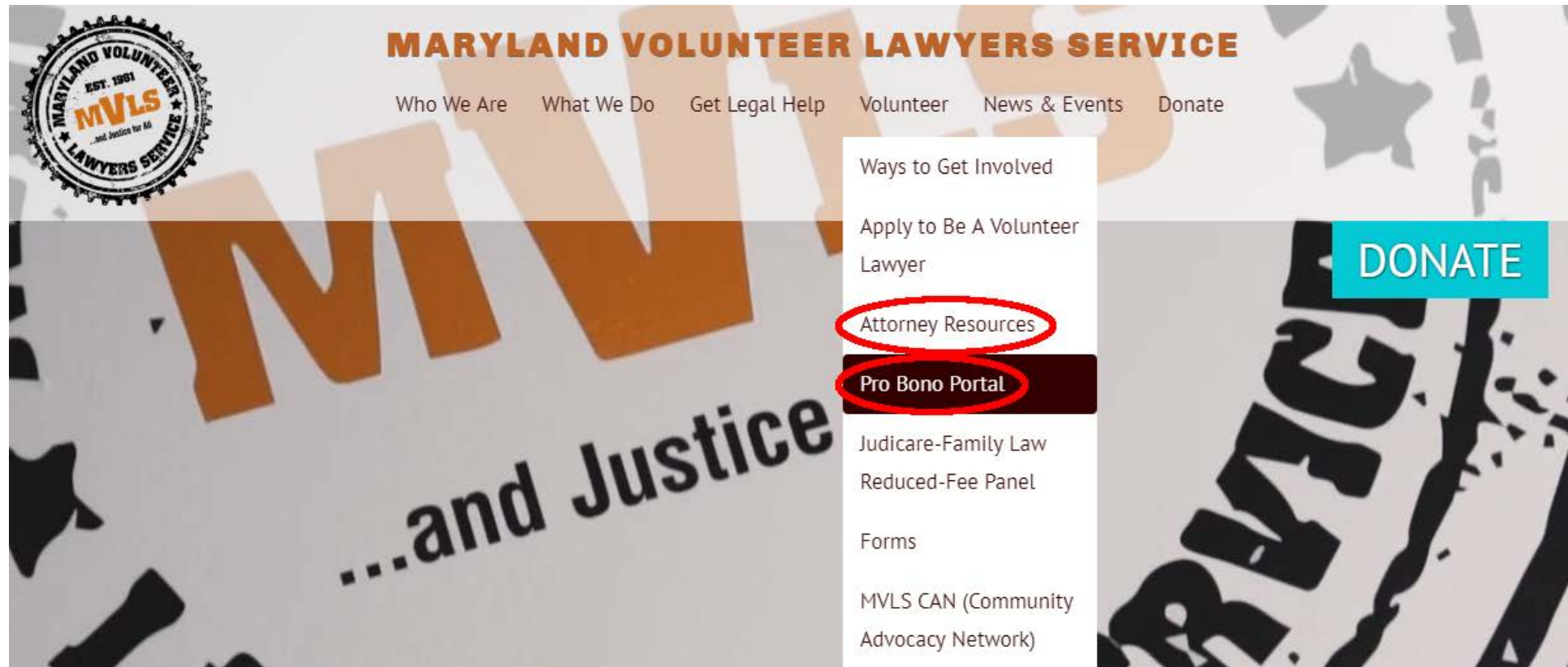
Maryland Volunteer Lawyers Service



@MVLSProBono

Visit [www.mvlslaw.org/events](http://www.mvlslaw.org/events) for more info on upcoming training and clinics!

# Resources for MVLS Volunteers: Looking for Pro Bono Cases?



The image shows a screenshot of the Maryland Volunteer Lawyers Service (MVLS) website. The header features the MVLS logo on the left, which includes the text "EST. 1961" and "and Justice for All". The main navigation menu includes "Who We Are", "What We Do", "Get Legal Help", "Volunteer", "News & Events", and "Donate". A dropdown menu is open under "Volunteer", listing several options: "Ways to Get Involved", "Apply to Be A Volunteer Lawyer", "Attorney Resources", "Pro Bono Portal", "Judicare-Family Law Reduced-Fee Panel", "Forms", and "MVLS CAN (Community Advocacy Network)". The "Pro Bono Portal" option is highlighted with a dark background and a red circle. A teal "DONATE" button is visible on the right side of the page.

**MARYLAND VOLUNTEER LAWYERS SERVICE**

Who We Are What We Do Get Legal Help Volunteer News & Events Donate

Ways to Get Involved

Apply to Be A Volunteer Lawyer

Attorney Resources

**Pro Bono Portal**

Judicare-Family Law  
Reduced-Fee Panel

Forms

MVLS CAN (Community  
Advocacy Network)

**DONATE**

# New Pro Bono Portal

## WELCOME TO THE MVLS PRO BONO PORTAL!

Select a case today by reviewing available cases shown below in real time. You can click "Learn More" to express your interest in the case, or click "Share Case" to forward the available case to a colleague.

If you are not currently a MVLS volunteer, please [click here](#) to register.

By taking a case today, you are helping MVLS to ensure Justice For All.

Navigation: [All](#) [Bankruptcy](#) [Debt Collection](#) [Deed Transfer](#) [Estates](#) [Expungement](#) [Family](#) [Foreclosure/Tax Sale](#) [Landlord-Tenant](#) [Tax](#) [Other Category](#)

Search ...  All Counties ▼

### Single Mom Can't Afford A Large Payment

Client is being sued by her former landlord for \$4146.59. She admits she owes some but not all of the debt and is hoping to reduce the amount she has to pay. Court date set for 7/20/18 at 1:30pm.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138741	Debt Collection

[Share Case](#) [Learn More](#)

### I Admit To The Debt, But Can We Negotiate A Settlement.

Client is being sued for \$933.00 for failing to make payments towards a debt. Client agrees that she owes the debt. There are no judgments entered in the case. Client has paid approximately \$300 toward the debt and would like to work out a settlement for the remaining. Affidavit Judgment Hearing: 7/23/18 at 1:00PM. Trial: 8/3/18 at 9:00AM.

Location:	Ref. #:	Case Type:
Washington	18-0138685	Debt Collection

[Share Case](#) [Learn More](#)

### You Have Left Me No Other Choice But To File For Rent Escrow.

Client wishes to initiate a rent escrow case after nothing has been done to make repairs. Client has lived in the property since October 2016 and problems in the unit began in December 2017. To date LL, has not tried to resolve the mold issue, flooding, falling attic stairs, and the hole in the ceiling.

Location:	Ref. #:	Case Type:
Baltimore County	18-0138671	Landlord-Tenant

[Share Case](#) [Learn More](#)

### Landlord Requests The Move, Now Refusing My Security Deposit.

Client filed suit against her previous Landlord for the return of her security deposit and three times the amount. Client only lived in the property for 3

### Looking Towards A Fresh Start

Client seeks help with expunging her criminal record.

### Here's To New Beginnings!

Client seeks to go over her criminal record with a volunteer and to have the eligible cases expunged from her record.

# FREE Upcoming Training & Volunteer Opportunities: Go to [mvlslaw.org/events](https://mvlslaw.org/events) for more info!

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**Sept. 25 – Tax Controversy Training**  
9 am – 1 pm

**Sept. 27 – Expungement Clinic**  
5 – 7 pm

**Oct. 9 – Updates on Denial or Revocation of U.S. Passport for  
Delinquent Tax Debtors**  
12 – 1 pm

**Oct. 17 – Cyber Clinic**  
2 – 4 pm

# The Basics of Life Estate Deeds

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# What is a life estate deed?

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A life estate deed grants ownership of **real** property to two separate parties:

1. Life tenant(s), and
2. Remainderman/men (hereinafter, referred to as “remainder person(s)”)

A life estate = the right to occupy and use the property, or receive benefits of the property, during life time

At the death of the life tenant(s), the remainder person(s) take ownership of the property

# Two types of life estate deeds

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## 1) Life estate with powers

- Life tenant has the unconditional power to sell/devise/gift/mortgage/or otherwise transfer the property
- Remainder interest is contingent and vests only at death of life tenant(s)

## 2) Life estate without powers

- Life tenant has no power to sell/devise/gift/mortgage/or otherwise transfer the property without the consent of the remainder person(s)
- Remainder interest is vested immediately at execution of deed

# Why use a life estate deed?

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Two main reasons:

- 1) To avoid or minimize what goes through probate.
  - Which type of life estate deed? Either (with or without powers)
  
- 2) To plan for future Medical Assistance eligibility.
  - Which type of life estate deed? Only life estate deed **without powers**



# Mechanics

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## Obtaining prior deed

- Most recorded deeds are available online at <https://mdlandrec.net/main/>

## Drafting new deed

- If the life estate is to be held **with powers**, explicitly state and include all powers that are retained
- If there is more than one remainder person, state how their ownership interest is to be held:
- Different counties have different requirements for required language in deeds - contact Land Records for the specific county

# Mechanics

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## Recording new deed

- Original signed deed
- Land Instrument Intake Sheet (multiple copies)
- Fees
- Different counties have different requirements for recording deeds – contact Land Records for the specific county
- NOTE: if Attorney-in-Fact is signing the deed on behalf of the Grantor, must provide original Power of Attorney for recording with deed.

## After death of life tenant(s)

- By operation of law, remainder person(s) are immediately the property owners
- Record death certificate of life tenant with Land Records

# Pitfalls/Risks/Things of which to be aware

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## Specifically regarding life estate deeds **without powers**

- 1) Giving up control of one's property.
- 2) Is there a current mortgage or other lien?
  - A life estate deed **without powers** may trigger the acceleration/due on sale clause in the mortgage/lien, rendering the entire outstanding loan balance due all at once.
- 3) Will there be the need or desire to take out a loan on the property in the future?
  - Most lenders will not provide home equity loans/HELOCs on a life tenant's interest that is without powers.
- 4) What if the property needs to be sold?
  - Requires signature/consent of life tenant(s) **and** all remainder person(s)
  - Capital gains tax

# Regarding either type of life estate deed (with or without powers)

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Potential issues with remainder person(s):

- What if they have creditors?
- What if they are deceased at death of life tenant(s)?
- What if they don't get along/cooperate with each other?

# Miscellaneous

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- Why use a life estate deed instead of simply deeding as joint tenants with right of survivorship?
- Who is responsible for property taxes, maintenance costs, homeowner's insurance, etc. during lifetime of life tenant(s)?
- Duty to not create waste
- Duty owed by life tenant(s) to remainder person(s) to not harm or diminish the value of the property
- Impact on available tax credits/tax exemptions
- Capital gains after death of life tenant

# Applicable Law and Resources

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This list is not intended to be comprehensive, but to provide a basic starting point.

- Maryland Land Records online - <https://mdlandrec.net/main/>
- SDAT Real Property Search - <http://sdat.dat.maryland.gov/RealProperty/Pages/default.aspx>
- County Land Records websites:
  - Baltimore City - <http://www.baltimorecitycourt.org/clerks-office/land-records-licenses-division/>
  - Baltimore County - <https://mdcourts.gov/clerks/baltimore>
- Maryland Annotated Code Articles:
  - Real Property
  - Tax – Property
  - Tax - General