

## Chapter 355

(House Bill 728)

AN ACT concerning

### **Residential Property – Foreclosure – Required Documents – Timing of Mediation**

FOR the purpose of requiring a notice of intent to foreclose for an owner-occupied residential property to be accompanied by an envelope addressed to a certain person; requiring a notice of intent to foreclose for a property that is not an owner-occupied residential property to be accompanied by a certain notice and a certain telephone number; altering the documents that must accompany an order to docket or complaint to foreclose a mortgage or deed of trust on residential property; clarifying the documents that must be served on a mortgagor or grantor in a foreclosure action on residential property under certain circumstances; requiring the Commissioner of Financial Regulation to prescribe by regulation a certain form and sequence for certain documents and the form and content of certain other notices, forms, and supporting documents that must be served on a mortgagor or grantor in a foreclosure action on residential property; altering the time period within which a mortgagor or grantor may file a certain request for foreclosure mediation; altering the authority of the Office of Administrative Hearings to extend the time in which a foreclosure mediation must be held; altering the period of time within which the Office shall file a certain report; establishing that certain rules of procedure relating to a failure to appear govern a foreclosure mediation conducted by the Office; making stylistic changes; declaring the intent of the General Assembly; providing that until the effective date of certain regulations that the Commissioner is required to adopt, a copy of an order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with a certain law shall be deemed to be in compliance with certain provisions of this Act; and generally relating to the foreclosure of residential property.

BY repealing and reenacting, with amendments,

Article – Real Property

Section 7-105.1

Annotated Code of Maryland

(2010 Replacement Volume and 2010 Supplement)

SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND, That the Laws of Maryland read as follows:

#### **Article – Real Property**

## 7-105.1.

- (a) (1) In this section the following words have the meanings indicated.
- (2) “Final loss mitigation affidavit” means an affidavit that:
- (i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner-occupied residential property that is the subject of a foreclosure action;
  - (ii) Certifies the completion of the final determination of loss mitigation analysis in connection with the mortgage or deed of trust; and
  - (iii) If denied, provides an explanation for the denial of a loan modification or other loss mitigation.
- (3) “Foreclosure mediation” means a conference at which the parties in a foreclosure action, their attorneys, additional representatives of the parties, or a combination of those persons appear before an impartial individual to discuss the positions of the parties in an attempt to reach agreement on a loss mitigation program for the mortgagor or grantor.
- (4) “Housing counseling services” means assistance provided to mortgagors or grantors by nonprofit and governmental entities that are identified on a list maintained by the Department of Housing and Community Development.
- (5) “Loss mitigation analysis” means an evaluation of the facts and circumstances of a loan secured by owner-occupied residential property to determine:
- (i) Whether a mortgagor or grantor qualifies for a loan modification; and
  - (ii) If there will be no loan modification, whether any other loss mitigation program may be made available to the mortgagor or grantor.
- (6) “Loss mitigation program” means an option in connection with a loan secured by owner-occupied residential property that:
- (i) Avoids foreclosure through loan modification or other changes to existing loan terms that are intended to allow the mortgagor or grantor to stay in the property;
  - (ii) Avoids foreclosure through a short sale, deed in lieu of foreclosure, or other alternative that is intended to simplify the mortgagor’s or grantor’s relinquishment of ownership of the property; or

(iii) Lessens the harmful impact of foreclosure on the mortgagor or grantor.

(7) “Owner-occupied residential property” means residential property in which at least one unit is occupied by an individual who:

- (i) Has an ownership interest in the property; and
- (ii) Uses the property as the individual’s primary residence.

(8) “Preliminary loss mitigation affidavit” means an affidavit that:

(i) Is made by a person authorized to act on behalf of a secured party of a mortgage or deed of trust on owner-occupied residential property that is the subject of a foreclosure action;

(ii) Certifies the status of an incomplete loss mitigation analysis in connection with the mortgage or deed of trust; and

(iii) Includes reasons why the loss mitigation analysis is incomplete.

(9) “Residential property” means real property improved by four or fewer single family dwelling units that are designed principally and are intended for human habitation.

(b) (1) Except as provided in paragraph (2) of this subsection, an action to foreclose a mortgage or deed of trust on residential property may not be filed until the later of:

(i) 90 days after a default in a condition on which the mortgage or deed of trust provides that a sale may be made; or

(ii) 45 days after the notice of intent to foreclose required under subsection (c) of this section is sent.

(2) (i) The secured party may petition the circuit court for leave to immediately commence an action to foreclose the mortgage or deed of trust if:

1. The loan secured by the mortgage or deed of trust was obtained by fraud or deception;

2. No payments have ever been made on the loan secured by the mortgage or deed of trust;

3. The property subject to the mortgage or deed of trust has been destroyed; or

4. The default occurred after the stay has been lifted in a bankruptcy proceeding.

(ii) The court may rule on the petition with or without a hearing.

(iii) If the petition is granted, the action may be filed at any time after a default in a condition on which the mortgage or deed of trust provides that a sale may be made and the secured party need not send the written notice of intent to foreclose required under subsection (c) of this section.

(c) (1) Except as provided in subsection (b)(2)(iii) of this section, at least 45 days before the filing of an action to foreclose a mortgage or deed of trust on residential property, the secured party shall send a written notice of intent to foreclose to the mortgagor or grantor and the record owner.

(2) The notice of intent to foreclose shall be sent:

(i) By certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service; and

(ii) By first-class mail.

(3) A copy of the notice of intent to foreclose shall be sent to the Commissioner of Financial Regulation.

(4) The notice of intent to foreclose shall:

(i) Be in the form that the Commissioner of Financial Regulation prescribes by regulation; and

(ii) Contain:

1. The name and telephone number of:

A. The secured party;

B. The mortgage servicer, if applicable; and

C. An agent of the secured party who is authorized to modify the terms of the mortgage loan;

2. The name and license number of the Maryland mortgage lender and mortgage originator, if applicable;
3. The amount required to cure the default and reinstate the loan, including all past due payments, penalties, and fees;
4. A statement recommending that the mortgagor or grantor seek housing counseling services;
5. The telephone number and the Internet address of nonprofit and government resources available to assist mortgagors and grantors facing foreclosure, as identified by the Commissioner of Financial Regulation;
6. An explanation of the Maryland foreclosure process and time line, as prescribed by the Commissioner of Financial Regulation; and
7. Any other information that the Commissioner of Financial Regulation requires by regulation.

(5) ~~The~~ **FOR AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE** notice of intent to foreclose shall be accompanied by:

- (i) A loss mitigation application:
  1. For loss mitigation programs that are applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action; or
  2. If the secured party does not have its own loss mitigation application, in the form prescribed by the Commissioner of Financial Regulation;
- (ii) Instructions for completing the loss mitigation application and a telephone number to call to confirm receipt of the application;
- (iii) A description of the eligibility requirements for the loss mitigation programs offered by the secured party that may be applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action; and
- (iv) An envelope ~~preprinted with the address of~~ **ADDRESSED TO** the person responsible for conducting loss mitigation analysis on behalf of the secured party for the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action.

**(6) FOR A PROPERTY THAT IS NOT AN OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE NOTICE OF INTENT TO FORECLOSE SHALL BE ACCOMPANIED BY:**

**(I) A WRITTEN NOTICE OF THE DETERMINATION THAT THE PROPERTY IS NOT OWNER-OCCUPIED RESIDENTIAL PROPERTY; AND**

**(II) A TELEPHONE NUMBER TO CALL TO CONTEST THAT DETERMINATION.**

(d) An order to docket or a complaint to foreclose a mortgage or deed of trust on residential property shall:

(1) Include:

(i) If applicable, the license number of:

1. The mortgage originator; and
2. The mortgage lender; and

(ii) An affidavit stating:

1. The date on which the default occurred and the nature of the default; and
2. If applicable, that a notice of intent to foreclose was sent to the mortgagor or grantor in accordance with subsection (c) of this section and the date on which the notice was sent; and

(2) Be accompanied by:

(i) The original or a certified copy of the mortgage or deed of trust;

(ii) A statement of the debt remaining due and payable supported by an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or secured party;

(iii) A copy of the debt instrument accompanied by an affidavit certifying ownership of the debt instrument;

(iv) If applicable, the original or a certified copy of the assignment of the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

(v) If any defendant is an individual, an affidavit that:

~~1. The individual is not a servicemember, as defined in the Servicemembers Civil Relief Act, 50 U.S.C. Appendix § 511; or~~

~~2. The action is authorized by~~ **IS IN COMPLIANCE WITH § 521 OF the SERVICEMEMBERS CIVIL RELIEF Act, 50 U.S.C. APPENDIX § 511 APP. § 501 ET SEQ.;**

(vi) If applicable, a copy of the notice of intent to foreclose;

(vii) In addition to any other filing fees required by law, a filing fee in the amount of \$300; **AND**

(viii) [Subject to subsection (e) of this section:]

1. If the loss mitigation analysis has been completed **SUBJECT TO SUBSECTION (E) OF THIS SECTION**, a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

2. If the loss mitigation analysis has not been completed[;

A. **A]**, A preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation[;

B. The loss mitigation application and a description of the eligibility requirements for loss mitigation programs offered by the secured party as described in subsection (c)(5) of this section;

C. Instructions for completing the loss mitigation application, including instructions to return the completed application to the attorney handling the foreclosure; and

D. An envelope preprinted with the address of the attorney handling the foreclosure;

(ix) A notice to the mortgagor or grantor in substantially the following form, as prescribed by regulation by the Commissioner of Financial Regulation:

“NOTICE

An action to foreclose the mortgage/deed of trust on the property located at (insert address) has been filed in the Circuit Court for (county).

A foreclosure sale of the property may occur at any time after 45 days from the date that this notice is served on you.

You may stop the sale and reinstate your mortgage loan by paying all amounts due on your loan, plus fees and costs of the foreclosure action, at any time up to one business day before the sale. Please contact (insert name of authorized agent of secured party) at (insert telephone number) to obtain the amount due to cure the default on your mortgage loan and instructions for delivering the payment.

If you own and live in the home that is subject to foreclosure, your lender may be required to conduct an analysis of your loan to see if you qualify for a loan modification or some other loss mitigation. You must apply and provide your lender with specific information as part of this analysis. The results of your lender's analysis of your loan will be provided to you in the form of an affidavit submitted to the court.

If your lender determines that you are not eligible for any loan modification or other relief, you have the right to file a request with the court and have foreclosure mediation. This will be a conference with you, someone representing your lender, and a neutral third party to discuss your loan and possible options. To request foreclosure mediation, you must complete the Request for Foreclosure Mediation form that will accompany the lender's final loss mitigation affidavit and mail it to the court and the lender's foreclosure attorney within 15 days after receipt. If you file a Request for Foreclosure Mediation, your property cannot go to sale until at least 15 days after your mediation has been held.

You are urged to obtain legal advice and the assistance of a housing counselor to discuss possible loss mitigation programs, foreclosure mediation, and other options to stop the foreclosure sale.

If you are interested in selling your home to avoid a foreclosure sale, you may wish to contact a licensed real estate broker or salesperson as soon as possible.

Housing counseling and financial assistance programs are available through the Maryland Department of Housing and Community Development. Please call (insert telephone number) for information on available resources.

Some people may approach you about "saving" your home. You should be careful about any such promises.

The State encourages you to become informed about your options in foreclosure before entering into any agreements with anyone in connection with the foreclosure of your home. There are government agencies and nonprofit organizations that you may contact for helpful information about the foreclosure process. For the name and



telephone number of an organization near you, please call the Consumer Protection Division of the Office of the Attorney General of Maryland at (insert telephone number). The State does not guarantee the advice of these organizations.

DO NOT DELAY DEALING WITH THE FORECLOSURE BECAUSE YOUR OPTIONS WILL BECOME MORE LIMITED AS TIME PASSES.”; and

(x) If the order to docket or complaint to foreclose concerns owner-occupied residential property and is accompanied by a final loss mitigation affidavit:

1. A request for foreclosure mediation in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and
2. An envelope preprinted with the address of the clerk of the court; and
3. An envelope preprinted with the address of the foreclosure attorney].

(e) Only for purposes of a final loss mitigation affidavit that is filed with an order to docket or complaint to foreclose, a loss mitigation analysis is not considered complete if the reason for the denial or determination of ineligibility is due to the inability of the secured party to:

- (1) Establish communication with the mortgagor or grantor; or
- (2) Obtain all documentation and information necessary to conduct the loss mitigation analysis.

(f) (1) A copy of the order to docket or complaint to foreclose on residential property and all other papers filed with it **IN THE FORM AND SEQUENCE AS PRESCRIBED BY REGULATIONS ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, ACCOMPANIED BY THE DOCUMENTS REQUIRED UNDER PARAGRAPHS (2), (3), AND (4) OF THIS SUBSECTION**, shall be served **ON THE MORTGAGOR OR GRANTOR** by:

(i) Personal delivery of the papers to the mortgagor or grantor;  
or

(ii) Leaving the papers with a resident of suitable age and discretion at the mortgagor’s or grantor’s dwelling house or usual place of abode.

**(2) THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A SEPARATE, CLEARLY**

**MARKED NOTICE, IN THE FORM PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION, THAT STATES:**

**(I) THE SIGNIFICANCE OF THE ORDER TO DOCKET OR A COMPLAINT TO FORECLOSE; AND**

**(II) THE OPTIONS FOR THE MORTGAGOR OR GRANTOR TO TAKE, INCLUDING HOUSING COUNSELING AND FINANCIAL ASSISTANCE RESOURCES THE MORTGAGOR OR GRANTOR MAY CONSULT.**

**(3) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A PRELIMINARY LOSS MITIGATION AFFIDAVIT, THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A LOSS MITIGATION APPLICATION FORM AND ANY OTHER SUPPORTING DOCUMENTS AS PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION.**

**(4) IF THE ORDER TO DOCKET OR COMPLAINT TO FORECLOSE IS ACCOMPANIED BY A FINAL LOSS MITIGATION AFFIDAVIT AND CONCERNS OWNER-OCCUPIED RESIDENTIAL PROPERTY, THE SERVICE OF ~~PROCESS~~ DOCUMENTS UNDER PARAGRAPH (1) OF THIS SUBSECTION SHALL BE ACCOMPANIED BY A REQUEST FOR FORECLOSURE MEDIATION FORM AND ANY OTHER SUPPORTING DOCUMENTS AS PRESCRIBED BY REGULATION ADOPTED BY THE COMMISSIONER OF FINANCIAL REGULATION.**

**[(2)] (5)** If at least two good faith efforts to serve the mortgagor or grantor under paragraph (1) of this subsection on different days have not succeeded, the plaintiff may effect service by:

(i) Filing an affidavit with the court describing the good faith efforts to serve the mortgagor or grantor; and

(ii) 1. Mailing a copy of [the order to docket or complaint to foreclose and all other papers filed with it] **ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION** by certified mail, return receipt requested, and first-class mail to the mortgagor's or grantor's last known address and, if different, to the address of the residential property subject to the mortgage or deed of trust; and

2. Posting a copy of [the order to docket or complaint to foreclose and all other papers filed with it] **ALL THE DOCUMENTS REQUIRED TO BE SERVED UNDER PARAGRAPH (1) OF THIS SUBSECTION** in a conspicuous place on the residential property subject to the mortgage or deed of trust.

**[(3)] (6)** The individual making service of ~~process~~ **DOCUMENTS** under this subsection shall file proof of service with the court in accordance with the Maryland Rules.

(g) (1) If the order to docket or complaint to foreclose is accompanied by a preliminary loss mitigation affidavit, the secured party, at least 30 days before the date of a foreclosure sale, shall:

(i) File with the court a final loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation; and

(ii) Send to the mortgagor or grantor by first class and by certified mail:

1. A copy of the final loss mitigation affidavit; and

2. A request for foreclosure mediation form and [envelopes described in subsection (d)(2)(x)] **SUPPORTING DOCUMENTS AS PROVIDED UNDER SUBSECTION (F)(4)** of this section.

(2) A final loss mitigation affidavit shall be filed under this subsection no earlier than 28 days after the order to docket or complaint to foreclose is served on the mortgagor or grantor.

(h) (1) (i) In a foreclosure action on owner-occupied residential property, the mortgagor or grantor may file with the court a completed request for foreclosure mediation not later than:

1. If the final loss mitigation affidavit was delivered along with service of the copy of the order to docket or complaint to foreclose under subsection (f) of this section, ~~15~~ **25** days after that service on the mortgagor or grantor; or

2. If the final loss mitigation affidavit was mailed as provided in subsection (g) of this section, ~~15~~ **25** days after the mailing of the final loss mitigation affidavit.

(ii) 1. A request for foreclosure mediation shall be accompanied by a filing fee of \$50.

2. The court may reduce or waive the filing fee under subparagraph 1 of this subparagraph if the mortgagor or grantor is eligible for a reduction or waiver under the Maryland Legal Services guidelines.

(iii) The mortgagor or grantor shall mail a copy of the request for foreclosure mediation to the secured party's foreclosure attorney.

(2) (i) The secured party may file a motion to strike the request for foreclosure mediation in accordance with the Maryland Rules.

(ii) The motion to strike must be accompanied by an affidavit that sets forth the reasons why foreclosure mediation is not appropriate.

(iii) The secured party shall mail a copy of the motion to strike and the accompanying affidavit to the mortgagor or grantor.

(iv) There is a presumption that a mortgagor or grantor is entitled to foreclosure mediation unless good cause is shown why foreclosure mediation is not appropriate.

(3) (i) The mortgagor or grantor may file a response to the motion to strike within 15 days.

(ii) The mortgagor or grantor shall mail a copy of the response to the foreclosure attorney.

(iii) If the court grants the motion to strike, the court shall instruct the Office of Administrative Hearings to cancel any scheduled mediation.

(i) (1) Within 5 days after receipt of a request for foreclosure mediation, the court shall transmit the request to the Office of Administrative Hearings for scheduling.

(2) (i) Within 60 days after transmittal of the request for foreclosure mediation, the Office of Administrative Hearings shall conduct a foreclosure mediation.

(ii) For good cause, the Office of Administrative Hearings may extend the time for completing the foreclosure mediation for a period not exceeding 30 days **OR, IF ALL PARTIES AGREE, FOR A LONGER PERIOD OF TIME.**

(3) The Office of Administrative Hearings shall send notice of the scheduled foreclosure mediation to the foreclosure attorney, the secured party, and the mortgagor or grantor.

(4) The notice from the Office of Administrative Hearings shall:

(i) Include instructions regarding the documents and information, as required by regulations adopted by the Commissioner of Financial

Regulation, that must be provided by each party to the other party and to the mediator; and

(ii) Require the information and documents to be provided no later than 20 days before the scheduled date of the foreclosure mediation.

(j) (1) At a foreclosure mediation:

(i) The mortgagor or grantor shall be present;

(ii) The mortgagor or grantor may be accompanied by a housing counselor and may have legal representation;

(iii) The secured party, or a representative of the secured party, shall be present; and

(iv) Any representative of the secured party must have the authority to settle the matter or be able to readily contact a person with authority to settle the matter.

(2) At the foreclosure mediation, the parties and the mediator shall address loss mitigation programs that may be applicable to the loan secured by the mortgage or deed of trust that is the subject of the foreclosure action.

(3) The Office of Administrative Hearings shall file a report with the court that states the outcome of the request for foreclosure mediation within the earlier of:

(i) ~~5~~ 7 days after a foreclosure mediation is held; or

(ii) The end of the 60-day mediation period specified in subsection (i)(2) of this section, plus any extension granted by the Office of Administrative Hearings.

(4) Except for a request for postponement **OR A FAILURE TO APPEAR**, the rules of procedure for contested cases of the Office of Administrative Hearings do not govern a foreclosure mediation conducted by the Office.

(k) (1) If the parties do not reach an agreement at the foreclosure mediation, or the 60-day mediation period expires without an extension granted by the Office of Administrative Hearings, the foreclosure attorney may schedule the foreclosure sale.

(2) (i) Subject to subparagraphs (ii), (iii), and (iv) of this paragraph, the mortgagor or grantor may file a motion to stay the foreclosure sale.

(ii) A motion to stay under this paragraph shall be filed within 15 days after:

1. The date the foreclosure mediation is held; or
2. If no foreclosure mediation is held, the date the Office of Administrative Hearings files its report with the court.

(iii) A motion to stay under this paragraph must allege specific reasons why loss mitigation should have been granted.

(3) Nothing in this subtitle precludes the mortgagor or grantor from pursuing any other remedy or legal defense available to the mortgagor or grantor.

(l) A foreclosure sale of residential property may not occur until:

(1) If the residential property is not owner-occupied residential property, at least 45 days after service of process is made under subsection (f) of this section;

(2) If the residential property is owner-occupied residential property and foreclosure mediation is not held, the later of:

(i) At least 45 days after service of process that includes a final loss mitigation affidavit made under subsection (f) of this section; or

(ii) At least 30 days after a final loss mitigation affidavit is mailed under subsection (g) of this section; and

(3) If the residential property is owner-occupied residential property and foreclosure mediation is requested, at least 15 days after:

(i) The date the foreclosure mediation is held; or

(ii) If no foreclosure mediation is held, the date the Office of Administrative Hearings files its report with the court.

(m) Notice of the time, place, and terms of a foreclosure sale shall be published in a newspaper of general circulation in the county where the action is pending at least once a week for 3 successive weeks, the first publication to be not less than 15 days before the sale and the last publication to be not more than 1 week before the sale.

(n) (1) The mortgagor or grantor of residential property has the right to cure the default by paying all past due payments, penalties, and fees and reinstate the loan at any time up to 1 business day before the foreclosure sale occurs.

(2) The secured party or an authorized agent of the secured party shall, on request, provide to the mortgagor or grantor or the mortgagor's or grantor's attorney within a reasonable time the amount necessary to cure the default and reinstate the loan and instructions for delivering the payment.

(o) An action for failure to comply with the provisions of this section shall be brought within 3 years after the date of the order ratifying the sale.

(p) Revenue collected from the filing fees required under subsections (d)(2)(vii) and (h)(1)(ii) of this section shall be distributed to the Housing Counseling and Foreclosure Mediation Fund established under § 4-507 of the Housing and Community Development Article.

SECTION 2. AND BE IT FURTHER ENACTED, That it is the intent of the General Assembly that the notices, forms, and supporting documents that the Commissioner of Financial Regulation is required to prescribe by regulation under this Act shall have a format and content that is no less stringent or detailed than that which is required by statute before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That, until the effective date of regulations that the Commissioner of Financial Regulation is required to adopt under § 7-105.1(f) of the Real Property Article, as enacted by Section 1 of this Act, a copy of the order to docket or complaint to foreclose served on a mortgagor or grantor in compliance with Maryland law in effect immediately preceding the effective date of this Act shall be deemed to be in compliance with § 7-105.1(f) of the Real Property Article, as enacted by Section 1 of this Act.

SECTION ~~3~~ 4. AND BE IT FURTHER ENACTED, That this Act shall take effect June 1, 2011.

**Approved by the Governor, May 10, 2011.**