

SB0216/268874/3

BY: Judicial Proceedings Committee

AMENDMENTS TO SENATE BILL 216
(First Reading File Bill)

AMENDMENT NO. 1

On page 1, in the sponsor line, strike “and Stone” and substitute “Stone, and Forehand”.

AMENDMENT NO. 2

On page 1, in line 4, strike “prohibiting” and substitute “requiring”; in line 5, strike “from being recorded unless it contains” and substitute “on certain residential property to contain”; in line 6, after “lender” insert “when recorded in the land records”; in the same line, after the semicolon insert “requiring the Commissioner of Financial Regulation to adopt certain regulations to enforce certain provisions of this Act;”; in line 11, strike “a certain person” and substitute “certain persons”; in line 20, after “mortgagor” insert “or grantor”; in line 23, after “mortgagor” insert “or grantor”; in the same line, after “mortgagor’s” insert “or grantor’s”; in line 25, after “term” insert “; providing for the application of certain provisions of this Act”; and in line 26, strike “prerequisites to”.

On page 2, in line 2, strike “3-104(h)” and substitute “3-104.1”.

AMENDMENT NO. 3

On page 2, in line 13, strike “3-104.” and substitute “**3-104.1**.”; after line 13, insert:

“(A) IN THIS SECTION, “RESIDENTIAL PROPERTY” MEANS REAL PROPERTY IMPROVED BY FOUR OR FEWER SINGLE FAMILY DWELLING UNITS.”;

in line 14, strike “(H)” and substitute “(B)”; in the same line, strike “A” and substitute “**WHEN RECORDED, A**”; in line 15, strike “MAY NOT BE RECORDED UNLESS IT

(Over)

CONTAINS” and substitute “ON RESIDENTIAL PROPERTY SHALL CONTAIN”; in line 19, strike “INDIVIDUAL” and substitute “PERSON”; and after line 29, insert:

“(C) THE COMMISSIONER OF FINANCIAL REGULATION SHALL ADOPT REGULATIONS TO ENFORCE THE PROVISIONS OF THIS SECTION, INCLUDING:

(1) MINIMUM REQUIREMENTS FOR THE INCLUSION OF LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED; AND

(2) PENALTIES FOR THE FAILURE TO INCLUDE LICENSING INFORMATION WHEN A MORTGAGE, DEED OF TRUST, OR OTHER INSTRUMENT SECURING A MORTGAGE LOAN ON RESIDENTIAL PROPERTY IS RECORDED.”

AMENDMENT NO. 4

On page 4, in line 8, strike “AT LEAST” and substitute “THE LATER OF”; and in line 10, strike “AND” and substitute “OR”.

On page 5, in line 5, after “GRANTOR” insert “AND THE RECORD OWNER”.

On page 6, in line 6, strike “THE” and substitute “IF APPLICABLE, THE”; and in line 7, strike “IF APPLICABLE, THE” and substitute “THE”.

On page 7, in line 8, after “FORM” insert “, AS PRESCRIBED BY THE COMMISSIONER OF FINANCIAL REGULATION”; and in line 32, strike “1-877-462-7555” and substitute “(INSERT TELEPHONE NUMBER)”.

On page 8, in line 10, strike “1-888-743-0023” and substitute “(INSERT TELEPHONE NUMBER)”; and in line 15, after “FORECLOSE” insert “ON RESIDENTIAL PROPERTY”.

On page 9, in line 11, after “DEFAULT” insert “BY PAYING ALL PAST DUE PAYMENTS, PENALTIES, AND FEES”.

AMENDMENT NO. 5

On page 8, in line 22, after “GRANTOR” insert “UNDER SUBSECTION (E)(1) OF THIS SECTION”; in line 27, after “BY” insert “CERTIFIED MAIL, RETURN RECEIPT REQUESTED, AND”; in line 29, after “ADDRESS” insert “AND, IF DIFFERENT, TO THE ADDRESS OF THE RESIDENTIAL PROPERTY SUBJECT TO THE MORTGAGE OR DEED OF TRUST”; and in line 32, after the first “THE” insert “RESIDENTIAL”.

AMENDMENT NO. 6

On page 9, in line 8, after “CIRCULATION” insert “IN THE COUNTY WHERE THE ACTION IS PENDING”; and in line 9, strike “, NOT LESS THAN 10 DAYS BEFORE THE SALE” and substitute “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”.

AMENDMENT NO. 7

On page 15, after line 2, insert:

“SECTION 2. AND BE IT FURTHER ENACTED, That § 3-104.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any mortgage, deed of trust, or other instrument recorded before the effective date of this Act.

SECTION 3. AND BE IT FURTHER ENACTED, That § 7-105.1 of the Real Property Article, as enacted by Section 1 of this Act, shall be construed to apply only prospectively and may not be applied or interpreted to have any effect on or application to any foreclosure action filed before the effective date of this Act.”.

(Over)

AMENDMENT NO. 8

On page 1, at the top of the page, insert “EMERGENCY BILL”; and in line 25, after the second semicolon insert “making this Act an emergency measure”.

On page 15, strike in their entirety lines 3 and 4 and substitute:

“SECTION 4. AND BE IT FURTHER ENACTED, That this Act is an emergency measure, is necessary for the immediate preservation of the public health or safety, has been passed by a yea and nay vote supported by three-fifths of all the members elected to each of the two Houses of the General Assembly, and shall take effect from the date it is enacted.”