

SENATE BILL 17

N1

8lr0538

(PRE-FILED)

By: **Senator Conway**

Requested: August 22, 2007

Introduced and read first time: January 9, 2008

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Foreclosures – Notices to Record Owners**

3 FOR the purpose of altering the times by which certain notices of foreclosure are
4 required to be sent to a record owner under certain circumstances; and
5 generally relating to notices of foreclosure.

6 BY repealing and reenacting, with amendments,
7 Article – Real Property
8 Section 7–105(a–1) and (b)
9 Annotated Code of Maryland
10 (2003 Replacement Volume and 2007 Supplement)

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

13 **Article – Real Property**

14 7–105.

15 (a–1) (1) In this subsection, “record owner” means the person holding record
16 title to residential real property as of **60 DAYS BEFORE** the date on which an action to
17 foreclose the mortgage or deed of trust is filed.

18 (2) In addition to any notice required to be given by provisions of the
19 Annotated Code of Maryland or the Maryland Rules, the person authorized to make a
20 sale in an action to foreclose a mortgage or deed of trust shall give written notice of the
21 action to the record owner of the property to be sold.

22 (3) (i) The written notice shall be sent no later than [2 days after]
23 **60 DAYS BEFORE** the action to foreclose is docketed:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 1. By certified mail, postage prepaid, return receipt
2 requested, bearing a postmark from the United States Postal Service, to the record
3 owner; and

4 2. By first-class mail.

5 (ii) The notice shall state that an action to foreclose the
6 mortgage or deed of trust may be [or has been] docketed and that a foreclosure sale of
7 the property will be held.

8 (iii) The notice shall contain the following statement printed in
9 at least 14 point boldface type:

10 “NOTICE REQUIRED BY MARYLAND LAW

11 Mortgage foreclosure is a complex process. Some people may approach you
12 about “saving” your home. You should be careful about any such promises.

13 The State encourages you to become informed about your options in foreclosure
14 before entering into any agreements with anyone in connection with the foreclosure of
15 your home. There are government agencies and nonprofit organizations that you may
16 contact for helpful information about the foreclosure process. For the name and
17 telephone number of an organization near you, please call the Consumer Protection
18 Division of the Office of the Attorney General of Maryland at 1-888-743-0023. The
19 State does not guarantee the advice of these organizations.

20 Do not delay dealing with the foreclosure because your options may become
21 more limited as time passes.”.

22 (b) (1) (i) In this subsection, “record owner” means the person holding
23 record title to property as of the later of:

24 1. [30] **60** days before the day on which a foreclosure
25 sale of the property is actually held; and

26 2. The date on which an action to foreclose the mortgage
27 or deed of trust is filed.

28 (ii) In addition to any notice required to be given by provisions
29 of the Annotated Code of Maryland or the Maryland Rules, the person authorized to
30 make a sale in an action to foreclose a mortgage or deed of trust shall give written
31 notice of the proposed sale to the record owner of the property to be sold.

32 (2) (i) The written notice shall be sent:

1 1. By certified mail, postage prepaid, return receipt
2 requested, bearing a postmark from the United States Postal Service, to the record
3 owner; and

4 2. By first-class mail.

5 (ii) The notice shall state the time, place, and terms of the sale
6 and shall be sent [not earlier than 30 days and] not later than [10] **60** days before the
7 date of sale.

8 (iii) The person giving the notice shall file in the proceedings:

9 1. A return receipt; or

10 2. An affidavit that:

11 A. The provisions of this paragraph have been complied
12 with; or

13 B. The address of the record owner is not reasonably
14 ascertainable.

15 (iv) The person authorized to make a sale in an action to
16 foreclose a mortgage or deed of trust is not required to give notice to a record owner
17 whose address is not reasonably ascertainable.

18 (3) In the event of postponement of sale, which may be done in the
19 discretion of the trustee, no new or additional notice need be given pursuant to this
20 section.

21 (4) The right of a record owner to file an action for the failure of the
22 person authorized to make a sale in an action to foreclose a mortgage or deed of trust
23 to comply with the provisions of this subsection shall expire 3 years after the date of
24 the order ratifying the foreclosure sale.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2008.