Article - Real Property

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§7–105.1.

(a) (1) In this section the following words have the meanings indicated.

(2) (i) "Certified community development financial institution" means a community development financial institution that is certified by the Community Development Financial Institutions Fund in the U.S. Department of the Treasury under 12 U.S.C. § 4701 et seq.

(ii) "Certified community development financial institution" includes any company that controls, is controlled by, or is under common control with a certified community development financial institution.

(3) "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.

(4) "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.

(5) "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.

(6) "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.

(7) "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.

(8) "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.

(9) "Postfile mediation" means foreclosure mediation that occurs in accordance with subsection (j) of this section after the date on which the order to docket or complaint to foreclose is filed.

(10) "Prefile mediation" means foreclosure mediation that occurs in accordance with subsection (d) of this section before the date on which the order to docket or complaint to foreclose is filed.

(11) "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.

(12) "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;

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

5. The property subject to the mortgage or deed of trust is property that is vacant and abandoned as provided under § 7–105.18 of this subtitle.

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

(iii) If the petition is granted:

1. 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

2. The secured party need not send the written notice of intent to foreclose required under subsection (c) of this section.

(b–1) (1) This subsection applies only to an action for the foreclosure of a mortgage or deed of trust on an owner–occupied residential property.

(2) Notwithstanding any other law, the court shall stay the proceedings if the defendant presents evidence satisfactory to the court that the defendant is:

(i) An employee of the federal or State government or an employee of a local government in the State; and

(ii) Involuntarily furloughed from work without pay because of a government shutdown, regardless of whether the employee is required to report to work during the furlough.

(3) (i) Subject to subparagraph (ii) of this paragraph, a stay under this subsection shall be granted for a time that the court considers reasonable.

(ii) A stay under this subsection may not be granted for a period that ends more than 30 days after the end of the government shutdown without a showing of sufficient cause by a party to the action.

(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) 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;

(iv) An envelope 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;

(v) If the secured party offers prefile mediation, a notice in the form that the Commissioner of Financial Regulation prescribes by regulation that states that:

1. The secured party offers prefile mediation;

2. The mortgagor or grantor may elect to participate in prefile mediation;

3. The mortgagor or grantor will not be entitled to postfile mediation if the mortgagor or grantor participates in prefile mediation, except as otherwise provided in a prefile mediation agreement;

4. The mortgagor or grantor is required to participate in housing counseling services as a precondition to prefile mediation; and

5. A fee will be charged for the prefile mediation and the amount of the fee; and

(vi) If the secured party offers prefile mediation, an application to participate in prefile mediation and instructions to complete and submit the application, all in the form that the Commissioner of Financial Regulation prescribes by regulation.

(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) (1) For owner–occupied residential property, a secured party may offer to participate in prefile mediation with a mortgagor or grantor to whom the secured party has delivered a notice of intent to foreclose.

(2) If offered by a secured party, a mortgagor or grantor may elect to participate in prefile mediation.

(3) If a mortgagor or grantor elects to participate in prefile mediation, the mortgagor or grantor shall notify the secured party by submitting the application described in subsection (c)(5)(vi) of this section not more than 25 days after the date on which the notice of intent to foreclose is mailed by the secured party.

(4) (i) As a precondition to prefile mediation, a mortgagor or grantor shall participate in housing counseling services.

(ii) The Department of Housing and Community Development shall prescribe the timing and form of certification of participation in housing counseling services.

(5) If a mortgagor or grantor submits an application to participate in prefile mediation to the secured party in accordance with paragraph (3) of this subsection, the secured party shall notify the Office of Administrative Hearings not more than 5 business days after the date on which the secured party receives the application.

(6) The Office of Administrative Hearings shall:

(i) Schedule a prefile mediation session not more than 60 days after the day on which it receives notice by a secured party of an election to participate in prefile mediation; and

(ii) Notify the parties and their attorneys, if any, of the date of the prefile mediation session.

(7) By regulation, the Commissioner of Financial Regulation shall:

(i) Establish the fee for prefile mediation; and

(ii) Prescribe the form and content of the notice about prefile mediation, the application to participate in prefile mediation, and instructions to complete the application.

(8) (i) Notwithstanding subsection (b)(1) of this section, if the secured party and grantor or mortgagor elect to participate in prefile mediation, an

order to docket or complaint to foreclose may not be filed until the completion of prefile mediation in accordance with this section.

(ii) The date that prefile mediation is completed is the date that the Office of Administrative Hearings issues the report describing the results of the prefile mediation.

(9) The fee for prefile mediation collected under this subsection shall be distributed to the Housing Counseling and Foreclosure Mediation Fund established under § 4–507 of the Housing and Community Development Article.

(10) By regulation, the Commissioner of Financial Regulation shall establish a mediation checklist that describes the matters that shall be reviewed and considered in a prefile mediation.

(11) (i) At the commencement of a prefile mediation session, each party shall review the mediation checklist.

(ii) The mediator shall mark each item on the mediation checklist as the item is addressed at the prefile mediation session.

(iii) At the conclusion of a prefile mediation session, each party shall sign the mediation checklist.

(12) If the prefile mediation results in an agreement, the parties shall execute a prefile mediation agreement.

(13) In addition to describing the terms of the agreement among the parties, the prefile mediation agreement shall, in 14 point, bold font:

(i) Designate the person and address to whom the mortgagor or grantor may provide notice of a change of financial circumstances; and

(ii) State that the mortgagor or grantor is not entitled to postfile mediation unless otherwise agreed by the parties.

(14) The Office of Administrative Hearings shall draft the prefile mediation agreement and provide a copy of the executed agreement to the parties and their attorneys, if any.

(15) The Office of Administrative Hearings shall provide a report of results of mediation to the parties and their attorneys, if any.

(16) If a mortgagor or grantor notifies the person designated under paragraph (13) of this subsection of a change of financial circumstances, the designee shall:

(i) Determine whether the change of financial circumstances shall alter the mediation agreement or outcome of the prefile mediation; and

(ii) Notify the mortgagor or grantor of the determination by first–class mail before any additional action is taken with respect to foreclosure.

(17) (i) The parties to the prefile mediation agreement may execute an amended prefile mediation agreement based on a material change of financial circumstances of the mortgagor or grantor.

(ii) The secured party shall provide a copy of the executed amended agreement to the mortgagor or grantor.

(18) To the extent that a notice of intent to foreclose complies with this section and otherwise is valid under the law, a notice of intent to foreclose issued with respect to a property that has been the subject of prefile mediation continues to be valid for 1 year after the date on which the initial prefile mediation agreement is executed by the parties.

(19) Nothing in this subsection shall prohibit a secured party and mortgagor or grantor from engaging in loss mitigation by other means.

(e) 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. 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

B. At the time the notice of intent to foreclose was sent, the contents of the notice of intent to foreclose were accurate; 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 is in compliance with § 521 of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.;

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

(vii) If the secured party and mortgagor or grantor have elected to participate in prefile mediation, the report of the prefile mediation issued by the Office of Administrative Hearings;

(viii) If the secured party and the mortgagor or grantor have not elected to participate in prefile mediation, a statement that the parties have not elected to participate in prefile mediation;

(ix) In addition to any other filing fees required by law, a filing fee in the amount of $300; and

(x) 1. If the loss mitigation analysis has been completed subject to subsection (g) 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 preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the Commissioner of Financial Regulation.

(f) Notwithstanding any other law, the court may not accept a lost note affidavit in lieu of a copy of the debt instrument required under subsection (e)(2)(iii) of this section, unless the affidavit:

(1) Identifies the owner of the debt instrument and states from whom and the date on which the owner acquired ownership;

(2) States why a copy of the debt instrument cannot be produced; and

(3) Describes the good faith efforts made to produce a copy of the debt instrument.

(g) 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.

(h) (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 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;

(ii) The options for the mortgagor or grantor to take, including housing counseling services and financial assistance resources the mortgagor or grantor may consult; and

(iii) In the case of a mortgagor or grantor who has participated in prefile mediation, that the mortgagor or grantor is not entitled to postfile mediation except as otherwise provided in the prefile mediation agreement.

(3) If the order to docket or complaint to foreclose is accompanied by a preliminary loss mitigation affidavit, the service of 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) (i) Except as provided in subparagraph (ii) of this paragraph, 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 documents under paragraph (1) of this subsection shall be accompanied by a request for postfile mediation form and any other supporting documents as prescribed by regulation adopted by the Commissioner of Financial Regulation.

(ii) The order to docket or complaint to foreclose may exclude the request for postfile mediation form if:

1. The mortgagor or grantor has participated in prefile mediation and the prefile mediation agreement does not give the mortgagor or grantor the right to participate in postfile mediation; or

2. The property subject to the mortgage or deed of trust is not owner–occupied.

(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 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 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.

(6) The individual making service of documents under this subsection shall file proof of service with the court in accordance with the Maryland Rules.

(i) (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 postfile mediation form and supporting documents as provided under subsection (h)(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.

(j) (1) (i) This paragraph applies to a mortgagor or grantor who:

1. Has not participated in prefile mediation; or

2. Has participated in prefile mediation that resulted in a prefile mediation agreement that gives the mortgagor or grantor the right to participate in postfile mediation.

(ii) In a foreclosure action on owner–occupied residential property, the mortgagor or grantor may file with the court a completed request for postfile 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 (h) of this section, 25 days after that service on the mortgagor or grantor; or

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

(iii) 1. A request for postfile mediation shall be accompanied by a filing fee of $50.

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

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

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

(ii) The motion to strike must be accompanied by an affidavit that sets forth the reasons why postfile 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 postfile mediation with respect to owner–occupied residential property unless:

1. Good cause is shown why postfile mediation is not appropriate; or

2. The mortgagor or grantor participated in prefile mediation and the prefile mediation agreement does not give the mortgagor or grantor the right to participate in postfile mediation.

(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 postfile mediation.

(k) (1) Within 5 days after receipt of a request for postfile 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.

(l) (1) (i) By regulation, the Commissioner of Financial Regulation shall establish a mediation checklist that describes the matters that shall be reviewed and considered in a postfile mediation.

(ii) At the commencement of a postfile mediation session, each party shall review the mediation checklist.

(iii) The mediator shall mark each item on the mediation checklist as the item is addressed at the postfile mediation session.

(iv) At the conclusion of a postfile mediation session, each party shall sign the mediation checklist.

(2) 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.

(3) 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.

(4) 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) 7 days after a foreclosure mediation is held; or

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

(5) 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.

(m) (1) If the parties do not reach an agreement at the postfile 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) In the case of postfile mediation, subject to subparagraphs (ii) and (iii) 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 postfile mediation is held; or

2. If no postfile 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.

(n) 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 (h) 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 (h) of this section; or

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

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

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

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

(n–1) (1) If a certified community development financial institution makes an offer to a secured party to purchase owner–occupied residential property for the purpose of transferring the property to the immediately preceding mortgagor or grantor, no person may require, as a condition of a sale or transfer of the property to the certified community development financial institution, any affidavit, statement, agreement, or addendum that limits ownership or occupancy of the property by the immediately preceding mortgagor or grantor.

(2) Any affidavit, statement, agreement, or addendum that limits ownership or occupancy of owner–occupied residential property by the immediately preceding mortgagor or grantor:

(i) May not serve as a basis to avoid a sale or transfer of the property to a certified community development financial institution; and

(ii) Is unenforceable against any person named in the affidavit, statement, agreement, or addendum.

(o) 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.

(p) (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.

(q) 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.

(r) Revenue collected from the filing fees required under subsections (e)(2)(ix) and (j)(1)(iii) 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.

(s) The Commissioner of Financial Regulation may adopt additional regulations necessary to carry out the requirements of this section.

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