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To: Foreclosing Lenders & Servicers

Re: Recent Maryland Law Changes

Dear Clients:

There are yet again changes to Maryland Foreclosure Law which will be effective June 1, 2011 and again through expected adoption of new regulations anticipated to be effective October 1, 2011.

**Effective June 1, 2011** you are required to attach to the Notice of Intent to Foreclose the following documents **ONLY IF** the property is owner-occupied residential property: (1) loss mitigation application, (2) instructions, (3) description of eligibility requirements of loss mitigation alternatives that may be applicable and (4) a self addressed return envelope.

If the property is **NOT** owner-occupied residential property you are required to attach (1) a written notice of the determination that the property is not owner-occupied residential property, and (2) a telephone number to call to contest that determination.

There is currently no statutory or other determined method of resolution if there is a dispute as to whether the property is owner-occupied. Therefore, we recommend that, unless the property is vacant, you treat all properties as owner-occupied for purposes of the NOI letter.

Further amendments include a clarification as to the section number of the SCRA requiring a Military Affidavit, an enlargement of time in which the borrower may request mediation from 15 days to 25 days after service or mailing of the final loss mitigation affidavit, and the parties may now mutually agree to extend the time to complete mediation beyond thirty days.

This is a communication from a debt collector.

This letter may be an attempt to collect a debt and any information obtained will be used for that purpose.

**Effective July 1, 2011** an Affidavit will be required that at the time that the notice of intent to foreclose was sent, the contents of said notice were accurate. We have already added that language to the Affidavit of Mailing of the NOI letter.

Additionally, if there is a lost note, the court will not accept a lost note affidavit unless the affidavit (1) identifies the owner (2) states from whom and the date on which the owner acquired ownership (3) states why a copy cannot be produced and (4) describes the good faith efforts made to produce the note.

**Anticipated Effective Date of October 1, 2011** the Commissioner of Financial Regulation will be required to issue regulations to address the form and content of papers that accompany a foreclosure filing including “significance” of the Order to Docket and options a mortgagor may take. Until the new form and regulations are adopted, the newly effective law specifically states that there is a right to proceed under current law until the new regulations take effect.

Should you have any questions or concerns, or should you wish to discuss the changes in the law in more detail, feel free to contact us directly.

Sincerely,

Deborah K. Curran  
Laura H.G. O’Sullivan

DKC/dct