

# HOUSE BILL 538

N1

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By: **Delegate Holmes**

Introduced and read first time: February 3, 2016

Assigned to: Environment and Transportation

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## A BILL ENTITLED

1 AN ACT concerning

2 **Real Property – Notice of Postponement or Cancellation of Foreclosure Sale**

3 FOR the purpose of requiring the trustee, within a certain time after the postponement or  
4 cancellation of a foreclosure sale, to send a notice that the sale was postponed or  
5 canceled to the record owner of the property in a certain manner; providing for the  
6 application of this Act; and generally relating to notice of a foreclosure sale.

7 BY repealing and reenacting, with amendments,

8 Article – Real Property

9 Section 7–105.2

10 Annotated Code of Maryland

11 (2015 Replacement Volume)

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

14 **Article – Real Property**

15 7–105.2.

16 (a) In this section, “record owner” means the person holding record title to  
17 property as of the later of:

18 (1) 30 days before the day on which a foreclosure sale of the property is  
19 actually held; and

20 (2) The date on which an action to foreclose the mortgage or deed of trust  
21 is filed.

22 (b) In addition to any notice required to be given by provisions of the Annotated  
23 Code of Maryland or the Maryland Rules, the person authorized to make a sale in an action

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 to foreclose a mortgage or deed of trust shall give written notice of the proposed sale to the  
2 record owner of the property to be sold.

3 (c) (1) The written notice shall be sent:

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

6 (ii) By first-class mail.

7 (2) The notice shall state the time, place, and terms of the sale and shall  
8 be sent not earlier than 30 days and not later than 10 days before the date of sale.

9 (3) The person giving the notice shall file in the proceedings:

10 (i) A return receipt; or

11 (ii) An affidavit that:

12 1. The provisions of this subsection have been complied with;

13 or

14 2. The address of the record owner is not reasonably  
15 ascertainable.

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

19 (d) In the event of postponement **OR CANCELLATION** of **THE** sale, which may be  
20 done in the discretion of the trustee, [no new or additional notice need be given pursuant  
21 to this section] **THE TRUSTEE SHALL, WITHIN 14 DAYS AFTER THE POSTPONEMENT**  
22 **OR CANCELLATION, SEND A NOTICE THAT THE SALE WAS POSTPONED OR CANCELED**  
23 **TO THE RECORD OWNER BY FIRST-CLASS MAIL, POSTAGE PREPAID.**

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

28 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall apply to any  
29 foreclosure sale scheduled to occur on a date after the effective date of this Act.

30 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
31 October 1, 2016.