

HOUSE BILL 796

N1

5lr2811
CF SB 566

By: **Delegates J. Long, Harris, Holmes, ~~and Woods~~ Woods, Phillips, and Stinnett**

Introduced and read first time: January 29, 2025

Assigned to: Judiciary

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 4, 2025

CHAPTER _____

1 AN ACT concerning

2 **Real Property – Filing Fee for Residential Mortgage Foreclosure – Increase**

3 FOR the purpose of increasing the filing fee required to accompany an order to docket or a
4 complaint to foreclose a mortgage or deed of trust on residential property by a certain
5 amount; and generally relating to foreclosure of residential property.

6 BY repealing and reenacting, with amendments,
7 Article – Real Property
8 Section 7–105.1(e)
9 Annotated Code of Maryland
10 (2023 Replacement Volume and 2024 Supplement)

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

13 **Article – Real Property**

14 7–105.1.

15 (e) An order to docket or a complaint to foreclose a mortgage or deed of trust on
16 residential property shall:

17 (1) Include:

18 (i) If applicable, the license number of:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 1. The mortgage originator; and

2 2. The mortgage lender; and

3 (ii) An affidavit stating:

4 1. The date on which the default occurred and the nature of
5 the default; and

6 2. If applicable, that:

7 A. A notice of intent to foreclose was sent to the mortgagor or
8 grantor in accordance with subsection (c) of this section and the date on which the notice
9 was sent; and

10 B. At the time the notice of intent to foreclose was sent, the
11 contents of the notice of intent to foreclose were accurate; and

12 (2) Be accompanied by:

13 (i) The original or a certified copy of the mortgage or deed of trust;

14 (ii) A statement of the debt remaining due and payable supported by
15 an affidavit of the plaintiff or the secured party or the agent or attorney of the plaintiff or
16 secured party;

17 (iii) A copy of the debt instrument accompanied by an affidavit
18 certifying ownership of the debt instrument;

19 (iv) If applicable, the original or a certified copy of the assignment of
20 the mortgage for purposes of foreclosure or the deed of appointment of a substitute trustee;

21 (v) If any defendant is an individual, an affidavit that is in
22 compliance with § 521 of the Servicemembers Civil Relief Act, 50 U.S.C. App. § 501 et seq.;

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

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

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

1 (ix) In addition to any other filing fees required by law, a filing fee in
2 the amount of [~~\$300~~ ~~\$600~~ \$450; and

3 (x) 1. If the loss mitigation analysis has been completed subject
4 to subsection (g) of this section, a final loss mitigation affidavit in the form prescribed by
5 regulation adopted by the Commissioner of Financial Regulation; and

6 2. If the loss mitigation analysis has not been completed, a
7 preliminary loss mitigation affidavit in the form prescribed by regulation adopted by the
8 Commissioner of Financial Regulation.

9 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
10 October 1, 2025.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.