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MARYLAND FURTHER EXTENDS FORECLOSURE AND EVICTION MORATORIUM

MARYLAND EXECUTIVE ORDER No. 20-10-16-01 issued October 16, 2020

On Friday afternoon, Governor Lawrence Hogan, Jr. of Maryland, issued an Executive Order amending his prior April 3, 2020 executive order prohibiting certain evictions, prohibiting certain repossessions and restricting initiation of residential mortgage foreclosures.

Section I – Amends and restates the prior April 3, 2020 executive order which amended and restated the March 16, 2020 executive order.

Section II – Provides definitions.

Section III – Prohibits self-help repossession of any chattel home (personal property used as a personal residence, including mobile homes, trailers, and live-aboard boats) until the state of emergency is terminated.

Section IV – [represent significant changes that could impact pending sales]

a. Residential mortgage foreclosures sale prohibition – exceptions:

i. Federal Mortgage Loans – 30 days prior to sending the NOI, Servicer must send a written notice to the borrower stating the borrower’s right to request forbearance under the CARES Act. **[would apply to sales based on NOI’s filed/registered January 4, 2021 and after pending court interpretation].**

ii. Non-Federal Mortgage Loans – Servicer must send written notice to the borrower offering the borrower forbearance of 180 days with opportunity to extend another 180 days

without requiring documentation other than borrower's attestation to a financial hardship caused by COVID-19 and without interest, fees, penalties as with CARES forbearance.

[would impact sales currently scheduled – effective October 16, 2020]

b. Directs the Commissioner of Financial Regulation to suspend its electronic NOI (Notice of Intent to Foreclose) registration system and to stop accepting NOI's until January 4, 2021 and effective January 4, 2021 until the state of emergency is terminated require the Servicer or Secured Party to provide the Commissioner a certificate of compliance with paragraph IV.

Section V – Prohibits courts from entering judgment of possession or repossession of residential, commercial or industrial real property if the tenant can demonstrate through documentation or other credible evidence substantial loss of income.

Section VI – General provisions including effective dates (immediately and until the state of emergency is terminated.)

A copy of the Governor's executive order is available here:

http://go.pardot.com/e/312251/osures-2d-AMENDED-10-16-20-pdf/dggxn/1107859075?h=dBhcTl6gNSEWrfDQxd8jjE_50l94kmK-8fisfCmMXAE.

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