

IN THE COURT OF APPEALS OF MARYLAND

R U L E S O R D E R

This Court's Standing Committee on Rules of Practice and Procedure having submitted its Two Hundred and Third Report to the Court, recommending the rescission of current Title 13 and Rule 16-703 of the Maryland Rules of Procedure, the adoption of proposed revised Title 13 (Receivers and Assignees), new Title 14, Chapter 600 (In Rem Foreclosure of Local Government Tax Liens), and new Rules 2-634 and 3-634, and amendments to Rules 1-303, 1-304, 2-633, 3-633, 5-603, 7-206.1, 8-411, 8-502, 8-504, 8-521, 8-523, 14-102, 14-202, 14-205, 14-206, 14-207, 14-207.1, 14-208.1, 14-209, 14-210, 14-215, 18-203.11, 18-437, and 18-442, all as posted for comment on the website of the Maryland Judiciary; and

The Rules Committee having submitted to the Court a Supplement to the Two Hundred and Third Report dated March 19, 2020 recommending adoption of amendments to Rule 19-207, as posted on the website of the Maryland Judiciary; and

This Court having considered the proposed rules changes, together with comments received, at an open meeting, notice of which was posted as prescribed by law, and making on its own

motion certain amendments to the proposed changes, it is this
29th day of June, 2020,

ORDERED, by the Court of Appeals of Maryland, that the
Rules in current Title 13 and Rule 16-703 be, and they are
hereby, rescinded; and it is further

ORDERED that new Title 13; Title 14, Chapter 600; and Rules
2-634 and 3-634 be, and they are hereby, adopted in the form
attached to this Order; and it is further

ORDERED that amendments to Rules 1-303, 1-304, 2-633, 3-
633, 5-603, 7-206.1, 8-411, 8-502, 8-504, 8-521, 8-523, 14-102,
14-202, 14-205, 14-206, 14-207, 14-207.1, 14-208.1, 14-209, 14-
210, 14-215, 18-203.11, 18-437, 18-442, and 19-207 be, and they
are hereby, adopted in the form attached to this Order; and it
is further

ORDERED that the Rules changes hereby adopted by this Court
shall govern the courts of this State and all parties and their
attorneys in all actions and proceedings, and shall take effect
and apply to all actions commenced on or after August 1, 2020
and, insofar as practicable, to all actions then pending; and it
is further

ORDERED that a copy of this Order be posted promptly on the website of the Maryland Judiciary.

/s/ Mary Ellen Barbera
Mary Ellen Barbera

/s/ Robert N. McDonald
Robert N. McDonald

/s/ Shirley M. Watts
*Shirley M. Watts

/s/ Michele D. Hotten
Michele D. Hotten

/s/ Joseph M. Getty
Joseph M. Getty

/s/ Brynja M. Booth
Brynja M. Booth

/s/ Jonathan Biran
Jonathan Biran

* The Honorable Shirley M. Watts dissents to the adoption of subsection (b) (2) of Rule 18-203.11.

Filed: June 29, 2020

/s/ Suzanne C. Johnson
Clerk
Court of Appeals of Maryland

Pursuant to Maryland Uniform Electronic Legal Materials Act (§§ 10-1601 et seq. of the State Government Article) this document is authentic.



Suzanne C. Johnson, Clerk

MARYLAND RULES OF PROCEDURE

TITLE 1 - GENERAL PROVISIONS

CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-303 by adding a reference to Rule 5-603 and "by other law" to the exception clause at the beginning of the Rule, and by adding to the cross reference following the Rule, as follows:

Rule 1-303. FORM OF OATH

Except as provided in Rule 1-333 (c) (3), in Rule 5-603, or by other law, whenever an oral oath is required by rule or law, the person making oath shall solemnly swear or affirm under the penalties of perjury that the responses given and statements made will be the whole truth and nothing but the truth. A written oath shall be in a form provided in Rule 1-304.

Cross reference: For the oath made by a court interpreter, see Rule 1-333(c) (3). For an oath administered in special circumstances where diminished capacity may be a concern, such as when a child or person with limited cognitive ability is called to testify, see Rule 5-603.

Source: This Rule is derived from former Rules 5 c and 21 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 1 - GENERAL PROVISIONS
CHAPTER 300 - GENERAL PROVISIONS

AMEND Rule 1-304 by deleting the language "foregoing paper" and replacing it with the language "this document" and by expanding the Committee note, as follows:

Rule 1-304. FORM OF AFFIDAVIT

The statement of the affiant may be made before an officer authorized to administer an oath or affirmation, who shall certify in writing to having administered the oath or taken the affirmation, or may be made by signing the statement in one of the following forms:

Generally

"I solemnly affirm under the penalties of perjury that the contents of ~~the foregoing paper~~ this document are true to the best of my knowledge, information, and belief."

Personal Knowledge

"I solemnly affirm under the penalties of perjury and upon personal knowledge that the contents of ~~the foregoing paper~~ this document are true."

Committee note: In this Rule, the term "this document" includes a separate document to which an attached affidavit is intended to apply. This Rule is not intended to abrogate the additional requirements for summary judgment set forth in Rule 2-501.

Source: This Rule is derived from former Rule 5 c.

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 2-633 by conforming it to proposed new Rule 2-634, as follows:

Rule 2-633. DISCOVERY IN AID OF ENFORCEMENT

(a) Methods

Except as otherwise provided in Rule 2-634, a A ...

. . .

MARYLAND RULES OF PROCEDURE
TITLE 2 - CIVIL PROCEDURE - CIRCUIT COURT
CHAPTER 600 - JUDGMENT

ADD new Rule 2-634, as follows:

Rule 2-634. JUDGMENT DEBTOR FACT INFORMATION SHEET

(a) Entry of Money Judgment against an Individual

(1) Notice by Clerk

Upon entry of a money judgment against an individual, the clerk shall provide or send to the judgment debtor a Notice substantially in the following form:

NOTICE

You may receive a form from the plaintiff or the plaintiff's attorney requesting information under oath about you, your employment, and your assets, liabilities, income, and expenses. You do not have to complete and return that form, but if you fail to do so within the time allowed, you may be summoned to appear and undergo an examination under oath before a judge or examiner regarding those matters. If you fully complete and return the completed Fact Information Sheet within the time allowed, you will not be subject to discovery in aid of enforcement for at least one year from the entry of the judgment

against you, unless the judgment creditor has been granted leave of court for good cause shown.

Committee note: This Notice may accompany or be included in the copy of the judgment that the clerk sends to the judgment debtor pursuant to Rule 1-324.

(2) Request by Judgment Creditor

Subject to section (c) of this Rule, no earlier than 10 days after entry of a money judgment, a judgment creditor may obtain discovery in aid of enforcement of a money judgment against an individual by sending to the judgment debtor a Fact Information Sheet substantially in the form approved by the State Court Administrator. The judgment creditor may not modify the approved form to request additional information, but may delete from the form categories of information sought. The Fact Information Sheet shall include a request that the judgment debtor complete the document and return the completed document to the judgment creditor at the address stated in the Form no later than 30 days after the date the form was mailed or otherwise delivered to the judgment debtor.

(b) Fact Information Sheet

(1) Content

The Fact Information Sheet may elicit information pertaining to the income, expenses, assets, and liabilities of the judgment debtor, shall be under oath, and shall include:

(A) An advisement that: (i) the judgment debtor is not required to complete and return the form, but if the debtor fails to do so within the time specified, the debtor may be summoned to appear and undergo an examination before a judge or examiner regarding the debtor's income, expenses, assets, and liabilities; and (ii) if the judgment debtor fully completes and returns the completed Fact Information Sheet within the time allowed, the debtor will not be subject to discovery in aid of enforcement for at least one year from the entry of the judgment against the debtor unless the judgment creditor has been granted leave of court for good cause shown; and

(B) Information about web-based and in-person resources available to assist self-represented judgment debtors with completion of the Fact Information Sheet and other post-judgment matters.

(2) Posting

The form and content of the Fact Information Sheet approved by the State Court Administrator shall be posted on the Judiciary website.

(3) If the form requests, and the judgment debtor supplies, the judgment debtor's Social Security Number, financial account information, or tax return copies, the judgment creditor shall keep that information confidential and not disclose it to any other person except to the extent necessary to pursue collection

efforts authorized by law to collect the judgment or any other judgment against the same individual owed to that judgment creditor.

(c) Other Discovery in Aid of Enforcement

If a judgment debtor who is an individual fully completes a Fact Information Sheet and transmits the completed document to the judgment creditor within the time specified in the Fact Information Sheet, the judgment creditor may not obtain discovery in aid of enforcement by any method listed in Rule 2-633 (a) unless:

(1) at least one year has elapsed after entry of the judgment, or

(2) if less than one year has elapsed, the judgment creditor, for good cause shown, has been granted leave of court to obtain the discovery.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 600 - JUDGMENT

AMEND Rule 3-633 by conforming it to proposed new Rule 3-634, as follows:

Rule 3-633. DISCOVERY IN AID OF ENFORCEMENT

(a) Methods

Except as otherwise provided in Rule 3-634, a A ...

. . .

MARYLAND RULES OF PROCEDURE
TITLE 3 - CIVIL PROCEDURE - DISTRICT COURT
CHAPTER 600 - JUDGMENT

ADD new Rule 3-634, as follows:

Rule 3-634. JUDGMENT DEBTOR FACT INFORMATION SHEET

(a) Entry of Money Judgment against an Individual

(1) Notice by Clerk

Upon entry of a money judgment against an individual, the clerk shall provide or send to the judgment debtor a Notice substantially in the following form:

NOTICE

You may receive a form from the plaintiff or the plaintiff's attorney requesting information under oath about you, your employment, and your assets, liabilities, income, and expenses. You do not have to complete and return that form, but if you fail to do so within the time allowed, you may be summoned to appear and undergo an examination under oath before a judge or examiner regarding those matters. If you fully complete and return the completed Fact Information Sheet within the time allowed, you will not be subject to discovery in aid of enforcement for at least one year from the entry of the judgment

against you, unless the judgment creditor has been granted leave of court for good cause shown.

Committee note: This Notice may accompany or be included in the copy of the judgment that the clerk sends to the judgment debtor pursuant to Rule 1-324.

(2) Request by Judgment Creditor

Subject to section (c) of this Rule, no earlier than 10 days after entry of a money judgment, a judgment creditor may obtain discovery in aid of enforcement of a money judgment against an individual by sending to the judgment debtor a Fact Information Sheet substantially in the form approved by the State Court Administrator. The judgment creditor may not modify the approved form to request additional information, but may delete from the form categories of information sought. The Fact Information Sheet shall include a request that the judgment debtor complete the document and return the completed document to the judgment creditor at the address stated in the Form no later than 30 days after the date the form was mailed or otherwise delivered to the judgment debtor.

(b) Fact Information Sheet

(1) Content

The Fact Information Sheet may elicit information pertaining to the income, expenses, assets, and liabilities of the judgment debtor, shall be under oath, and shall include:

(A) An advisement that: (i) the judgment debtor is not required to complete and return the form, but if the debtor fails to do so within the time specified, the debtor may be summoned to appear and undergo an examination before a judge or examiner regarding the debtor's income, expenses, assets, and liabilities; and (ii) if the judgment debtor fully completes and returns the completed Fact Information Sheet within the time allowed, the debtor will not be subject to discovery in aid of enforcement for at least one year from the entry of the judgment against the debtor unless the judgment creditor has been granted leave of court for good cause shown; and

(B) Information about web-based and in-person resources available to assist self-represented judgment debtors with completion of the Fact Information Sheet and other post-judgment matters.

(2) Posting

The form and content of the Fact Information Sheet approved by the State Court Administrator shall be posted on the Judiciary website.

(3) If the form requests, and the judgment debtor supplies, the judgment debtor's Social Security Number, financial account information, or tax return copies, the judgment creditor shall keep that information confidential and not disclose it to any other person except to the extent necessary to pursue collection

efforts authorized by law to collect the judgment or any other judgment against the same individual owed to that judgment creditor.

(c) Other Discovery in Aid of Enforcement

If a judgment debtor who is an individual fully completes a Fact Information Sheet and transmits the completed document to the judgment creditor within the time specified in the Fact Information Sheet, the judgment creditor may not obtain discovery in aid of enforcement by any method listed in Rule 3-633 (a) unless:

(1) at least one year has elapsed after entry of the judgment, or

(2) if less than one year has elapsed, the judgment creditor, for good cause shown, has been granted leave of court to obtain the discovery.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 5 - EVIDENCE

CHAPTER 600 - WITNESSES

AMEND Rule 5-603 by adding a Committee note concerning testimony by an individual where diminished capacity is a concern and by adding to the cross reference following the Rule, as follows:

Rule 5-603. OATH OR AFFIRMATION

Before testifying, a witness shall be required to declare that the witness will testify truthfully. The declaration shall be by oath or affirmation administered either in the form specified by Rule 1-303 or, in special circumstances, in some other form of oath or affirmation calculated to impress upon the witness the duty to tell the truth.

Committee note: In special circumstances where diminished capacity may be a concern, such as when a child or person with limited cognitive ability is called to testify, the trial court may deviate from the form of oath specified by Rule 1-303. Before administering the oath, the trial court first must find that the individual with diminished capacity is competent to testify, based upon the four essential requirements set forth in *Perry v. State*, 381 Md. 138, 149 (2004): "(1) capacity for observation; (2) capacity for recollection; (3) capacity for communication, including ability 'to understand questions put and to frame and express intelligent answers;' and, (4) a sense of moral responsibility to tell the truth" (citing 2 Wigmore, Evidence §506 (Chadbourn rev. 1979)).

Cross reference: For the oath made by a court interpreter, see Rule 1-333 (c) (3). For the general rule of competency, see Rule

5-601. For an attorney's responsibilities concerning a client's diminished capacity, see Rule 19-301.14.

Source: This Rule is derived from former F.R.Ev. Rule 603.

MARYLAND RULES OF PROCEDURE

TITLE 7 - APPELLATE AND OTHER JUDICIAL REVIEW IN CIRCUIT COURT
CHAPTER 200 - JUDICIAL REVIEW OF ADMINISTRATIVE AGENCY DECISIONS

AMEND Rule 7-206.1 by adding to subsection (c)(2) a requirement that the moving party show good cause for the court, on *de novo* review of a Worker's Compensation Commission decision, to order that all or part of the Commission record be prepared and filed and by updating a Rule reference in Section (d), as follows:

Rule 7-206.1. RECORD—JUDICIAL REVIEW OF DECISION OF THE WORKERS' COMPENSATION COMMISSION

(a) Applicability

This Rule applies only in an action for judicial review of a decision of the Workers' Compensation Commission.

(b) If Review Is on the Record

Subject to section (d) of this Rule, Rule 7-206 governs the preparation and filing of the record if judicial review of an issue is on the record of the Commission.

(c) If No Issue Is to Be Reviewed on the Record

If no issue is to be reviewed on the record of the Commission:

(1) a transcript of the proceedings before the Commission shall be prepared in accordance with Rule 7-206 (b), included in the Commission's record of the proceeding, and made available to all parties electronically in the same manner as other Commission documents;

(2) the transcript and all other portions of the record of the proceedings before the Commission shall not be transmitted to the circuit court unless the court, on motion of a party for good cause shown or on the court's own initiative, enters an order requiring the preparation and filing of all or part of the record in accordance with the provisions of Rule 7-206 and section (d) of this Rule; and

(3) regardless of whether the record or any part of the record is filed with the court, payment for and the timing of the preparation of the transcript shall be in accordance with Rule 7-206(b), (d), and (e).

Committee note: Section (c) of this Rule does not preclude a party from obtaining from the Commission a transcript of testimony or copies of other parts of the record upon payment by the party of the cost of the transcript or record excerpt.

(d) Electronic Transmission

If the Commission is required by section (b) of this Rule or by order of court to transmit all or part of the record to the court, the Commission may file electronically if the court

to which the record is transmitted is the circuit court for an
"MDEC county" as defined in Rule 20-101 ~~(e)~~(m).

Cross reference: See Code, Labor and Employment Article, § 9-739.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 400 - PRELIMINARY PROCEDURES

AMEND Rule 8-411 to correct an internal reference in subsection (a) (2), as follows:

Rule 8-411. TRANSCRIPT

(a) Ordering of Transcript

Unless a copy of the transcript is already on file, the appellant shall order in writing from the court reporter a transcript containing:

(1) a transcription of (A) all the testimony or (B) that part of the testimony that the parties agree, by written stipulation filed with the clerk of the lower court, is necessary for the appeal or (C) that part of the testimony ordered by the Court pursuant to Rule 8-206 (c) or directed by the lower court in an order;

(2) a transcription of any proceeding relevant to the appeal that was recorded pursuant to Rule ~~16-502~~ 16-503 (b); and

(3) if relevant to the appeal and in the absence of a written stipulation by all parties to the contents of the

recording, a transcription of any audio or audiovisual recording or portion thereof offered or used at a hearing or trial.

. . .

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-502 by adding subsection (a)(9) permitting informal briefing in the Court of Special Appeals under certain circumstances, by adding a Committee note following subsection (a)(9), by making clarifying and stylistic changes to subsection (b)(1), and by adding subsection (b)(2) modifying procedures pertaining to extensions of time to file briefs in the Court of Special Appeals, as follows:

Rule 8-502. FILING OF BRIEFS

(a) Duty to File; Time

Unless otherwise ordered by the appellate court:

(1) Appellant's Brief

No later than the date specified in the notice sent by the appellate clerk pursuant to Rule 8-412(c), an appellant other than a cross-appellant shall file a brief conforming to the requirements of Rule 8-503.

(2) Appellee's Brief

Within 30 days after the filing of the appellant's brief, the appellee shall file a brief conforming to the requirements of Rule 8-503.

(3) Appellant's Reply Brief

The appellant may file a reply brief not later than the earlier of 20 days after the filing of the appellee's brief or ten days before the date of scheduled argument.

Cross reference: The meaning of subsection (a)(3) is in accordance with *Heit v. Stansbury*, 199 Md. App. 155 (2011).

(4) Cross-Appellant's Brief

An appellee who is also a cross-appellant shall include in the brief filed pursuant to subsection (2) of this section the issues and arguments on the cross-appeal as well as the response to the brief of the appellant, and shall not file a separate cross-appellant's brief.

(5) Cross-Appellee's Brief

Within 30 days after the filing of that brief, the appellant/cross-appellee shall file a brief in response to the issues and argument raised on the cross-appeal and shall include any reply to the appellee's response that the appellant wishes to file.

(6) Cross-Appellant's Reply Brief

The appellee/cross-appellant may file a reply to the cross-appellee's response within 20 days after the filing of the

cross-appellee's brief, but in any event not later than ten days before the date of scheduled argument.

(7) Multiple Appellants or Appellees

In an appeal involving more than one appellant or appellee, including actions consolidated for purposes of the appeal, any number of appellants or appellees may join in a single brief.

(8) Court of Special Appeals Review of Discharge for Unconstitutionality of Law

No briefs need be filed in a review by the Court of Special Appeals under Code, Courts Article, § 3-706.

(9) Informal Briefing in the Court of Special Appeals

For cases in which at least one party is self-
represented, the Chief Judge of the Court of Special Appeals, by
administrative order, may authorize informal briefing in one or
more categories of appeals in that Court. The administrative
order shall: (A) list the categories of appeals to which it
applies, (B) state the protocols to be followed, including
protocols to remove a case from informal briefing by stipulation
of the parties or order of the Court, and (C) promulgate forms
to be used. The administrative order shall be posted on the
Judiciary website, and paper copies of it shall be available to
the public in the Office of the Clerk of the Court of Special
Appeals. A case designated for informal briefing is not subject

to the requirements of Rules 8-501 through 8-504, except to the extent a Rule is incorporated into the informal briefing protocols set forth in the administrative order.

Committee note: Informal briefing in the Court of Special Appeals is intended to provide meaningful review of issues raised by self-represented parties without requiring compliance with the technical requirements of Rules 8-501 through 8-504. Informal briefing does not preclude the Court from dismissing an appeal pursuant to Rule 8-602 for a reason other than failure to comply with a Rule made inapplicable by this Rule.

(b) Extension of Time

(1) In the Court of Appeals

In the Court of Appeals, ~~The~~ the time for filing a brief may be extended by ~~(1)~~ (A) joint stipulation of counsel of the parties filed with the clerk so long as the appellant's brief and the appellee's brief are filed at least 30 days, and any reply brief is filed at least ten days, before the scheduled argument, or ~~(2)~~ (B) order of the appellate court Court entered on its own initiative or on motion filed pursuant to Rule 1-204.

(2) In the Court of Special Appeals

Subsection (b) (2) of this Rule governs extensions of time for filing briefs in the Court of Special Appeals.

(A) By Joint Stipulation

By joint stipulation filed with the clerk, the parties may extend the time for filing (i) a principal brief by no more than 30 days, or (ii) a reply brief, provided that the reply

brief will be filed at least ten days before argument or the date of submission on the brief.

(B) By Order of the Court

The court, on its own initiative or on motion filed pursuant to Rule 1-204, may extend the time for filing a brief. Absent urgent and previously unforeseeable circumstances, a motion shall be filed at least five days before the applicable due date. The motion shall: (1) state that the moving party has sought the consent of the other parties and whether each party consents to the extension, and (2) if the requested due date is more than 30 days after the original due date, identify good cause for the extension request.

(c) Filing and Service

In an appeal to the Court of Special Appeals, 15 copies of each brief and 10 copies of each record extract shall be filed, unless otherwise ordered by the court. Incarcerated or institutionalized parties who are self-represented shall file nine copies of each brief and nine copies of each record extract. In the Court of Appeals, 20 copies of each brief and record extract shall be filed, unless otherwise ordered by the court. Two copies of each brief and record extract shall be served on each party pursuant to Rule 1-321.

(d) Default

If an appellant fails to file a brief within the time prescribed by this Rule, the appeal may be dismissed pursuant to Rule 8-602 (c) (5). An appellee who fails to file a brief within the time prescribed by this Rule may not present argument except with permission of the Court.

Source note: This Rule is derived from former Rules 1030 and 830 with the exception of subsection (a) (8) which is derived from the last sentence of former Rule Z56 and of subsection (b) (2) which is in part derived from Rule 833 and in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-504 by adding new subsection (a)(8) to require that a brief filed in the Court of Special Appeals contain a statement as to whether the filing party requests oral argument and by renumbering existing subsections (a)(8) and (a)(9) as subsections (a)(9) and (a)(10), respectively, as follows:

Rule 8-504. CONTENTS OF BRIEF

(a) Contents

A brief shall comply with the requirements of Rule 8-112 and include the following items in the order listed:

(1) A table of contents and a table of citations of cases, constitutional provisions, statutes, ordinances, rules, and regulations, with cases alphabetically arranged. When a reported Maryland case is cited, the citation shall include a reference to the official Report.

Cross reference: Citation of unreported opinions is governed by Rule 1-104.

(2) A brief statement of the case, indicating the nature of the case, the course of the proceedings, and the disposition in the lower court, except that the appellee's brief shall not contain a statement of the case unless the appellee disagrees with the statement in the appellant's brief.

(3) A statement of the questions presented, separately numbered, indicating the legal propositions involved and the questions of fact at issue expressed in the terms and circumstances of the case without unnecessary detail.

(4) A clear concise statement of the facts material to a determination of the questions presented, except that the appellee's brief shall contain a statement of only those additional facts necessary to correct or amplify the statement in the appellant's brief. Reference shall be made to the pages of the record extract supporting the assertions. If pursuant to these rules or by leave of court a record extract is not filed, reference shall be made to the pages of the record or to the transcript of testimony as contained in the record.

Cross reference: Rule 8-111 (b).

(5) A concise statement of the applicable standard of review for each issue, which may appear in the discussion of the issue or under a separate heading placed before the argument.

(6) Argument in support of the party's position on each issue.

(7) A short conclusion stating the precise relief sought.

(8) In the Court of Special Appeals, a statement as to whether the party filing the brief requests oral argument.

~~(8)~~(9) The citation and verbatim text of all pertinent constitutional provisions, statutes, ordinances, rules, and regulations except that the appellee's brief shall contain only those not included in the appellant's brief.

~~(9)~~(10) If the brief is prepared with proportionally spaced type, the font used and the type size in points shall be stated on the last page.

Cross reference: For requirements concerning the form of a brief, see Rule 8-112.

(b) Appendix

(1) Generally

Unless the material is included in the record extract pursuant to Rule 8-501, the appellant shall reproduce, as an appendix to the brief, the pertinent part of every ruling, opinion, or jury instruction of each lower court that deals with points raised by the appellant on appeal. If the appellee believes that the part reproduced by the appellant is inadequate, the appellee shall reproduce, as an appendix to the appellee's brief, any additional part of the instructions or opinion believed necessary by the appellee.

(2) Appeals in Juvenile and Termination of Parental Rights Cases

In an appeal from an order relating to a child entered by a court exercising juvenile jurisdiction or from an order in a proceeding involving termination of parental rights, each appendix shall be filed as a separate volume and, unless otherwise ordered by the court, shall be filed under seal.

Committee note: Rule 8-501 (j) allows a party to include in an appendix to a brief any material that inadvertently was omitted from the record extract.

(c) Effect of Noncompliance

For noncompliance with this Rule, the appellate court may dismiss the appeal or make any other appropriate order with respect to the case, including an order that an improperly prepared brief be reproduced at the expense of the attorney for the party for whom the brief was filed.

Source: This Rule is derived as follows: Section (a) is derived from former Rules 831 c and d and 1031 c 1 through 5 and d 1 through 5, with the exception of subsection (a)(6) which is derived from FRAP 28 (a)(5). Section (b) is derived from former Rule 1031 c 6 and d 6. Section (c) is derived from former Rules 831 g and 1031 f.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-521 by adding new language concerning the scheduling of appeals in the Court of Special Appeals to section (a) as subsection (a)(2), by making stylistic changes to section (a), and by adding a cross reference following section (b), as follows:

Rule 8-521. ASSIGNMENT OF CASES

(a) Regular Order

(1) In the Court of Appeals

In the Court of Appeals, unless ~~Unless~~ advanced or postponed pursuant to this Rule, cases ordinarily will be assigned for successive sessions of the Court on the basis of their numerical order as they appear on the court docket, but the cases assigned for any session may be assigned for argument at that session without regard to their numerical order. Upon request of the Clerk, a party shall furnish an estimate of the time required for that party's argument. Argument shall be held on the day scheduled, unless postponed pursuant to this Rule.

(2) In the Court of Special Appeals

In the Court of Special Appeals, unless advanced or postponed pursuant to this Rule, cases ordinarily will be assigned to successive sessions of the Court after the record is complete and the appellee's brief has been filed or, if no appellee's brief has been filed, after the time for filing the appellee's brief has expired.

(b) Advancement or Postponement of Case

A case may be advanced or postponed on motion of a party or on the Court's own initiative. Argument will not be postponed because of the absence of an attorney or a self-represented party on either side unless the absence is caused by sickness or other sufficient cause. Unless briefs have already been filed, an order advancing argument shall fix the times for filing briefs.

Cross reference: See Rule 16-804 for the priority of courts in resolving conflicting case assignments.

Source: This Rule is derived in part from former Rules 1045 and 845 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 8 - APPELLATE REVIEW IN THE COURT OF APPEALS AND COURT OF
SPECIAL APPEALS

CHAPTER 500 - RECORD EXTRACT, BRIEFS, AND ARGUMENT

AMEND Rule 8-523 by adding language to subsection (a)(1) concerning the procedure to be followed to submit on brief, and by making stylistic changes to subsection (a)(1) as follows:

Rule 8-523. CONSIDERATION ON BRIEF

(a) Submission on Brief by Party

(1) In Court of Special Appeals

In the Court of Special Appeals, a party to a case the Court has scheduled for argument may submit ~~an appeal~~ for consideration on brief by ~~informing the Clerk and the other parties~~ filing a notice with the Clerk at least ten days prior to argument. Before filing a notice submitting on brief, a party shall attempt to ascertain whether any other parties to the appeal also will submit on brief and state the position of those other parties in the notice. The Court may require oral argument from either side or both sides, notwithstanding the submission on brief.

(2) In Court of Appeals

In the Court of Appeals a party may not submit an appeal for consideration on brief except with permission of the Court. A request to submit on brief shall be made in writing at least 15 days before argument.

(b) Directed by Court of Special Appeals

(1) When Directed

In the Court of Special Appeals, if all the judges of the panel to which an appeal has been assigned conclude, after the filing of the appellant's brief, that oral argument would not be of assistance to the Court because of the nature of the questions raised, the Court shall direct that the appeal be considered on brief without oral argument. The Clerk shall promptly mail notice to all parties that the Court has directed consideration of the appeal on brief.

(2) Request for Oral Argument

If pursuant to subsection (1) of this section the Court directs that an appeal be considered on brief without oral argument, any party may file a request for oral argument. The request shall be filed within ten days after the later of (A) the date the Clerk mails the notice required by subsection (1) of this section or (B) the date the appellee's brief is filed. If the Court grants the request for oral argument, the appeal shall be assigned for argument pursuant to Rule 8-521. Unless

the Court specifies otherwise in its order granting the request, oral argument shall be as provided in Rule 8-522.

Source: This Rule is derived from former Rules 846 d, 1047, and 1038.

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MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 100 - GENERAL PROVISIONS

Rule 13-101. DEFINITIONS

In this Title the following definitions apply except as expressly otherwise provided or as necessary implication requires:

(a) Assignee

"Assignee" means a person to whom a debtor has made a general assignment of property in trust for the benefit of creditors.

(b) Court

"Court" means the circuit court in which an assignment for the benefit of creditors or a petition for receivership has been filed.

(c) Debtor

"Debtor" means the "owner" and the "insolvent."

(d) Designated Party

"Designated party" means an officer, director, manager or principal equity holder in the debtor.

(e) Equity Holder

"Equity holder" means a shareholder, partner, or member that owns an interest in the debtor's estate.

(f) Estate

"Estate" means "receivership property" and includes property assigned to an assignee.

(g) Insolvent

"Insolvent" means an assignor in an assignment for the benefit of creditors proceeding or an insolvent for management of whose affairs a receiver has been appointed.

Cross reference: See Code, Commercial Law Article, § 15-101 (b) (2).

(h) Owner

"Owner" means a person for whose property or business a receiver is appointed. An "owner" is not an "equity holder".

Cross reference: See Code, Commercial Law Article, § 24-101(m).

(i) Person

"Person" has the meaning set forth in Rule 1-202 (u) and includes an individual, an estate, a business, a nonprofit entity, a public corporation, a governmental unit, an instrumentality, and any other legal entity.

Cross reference: See Code, Commercial Law Article, § 24-101(n).

(j) Property

(1) For proceedings under Code, Commercial Law Article, Title 24:

(A) "Property" means all of a person's right, title, and interest, both legal and equitable, in real and personal property, tangible and intangible, wherever located and however acquired.

(B) "Property" includes proceeds, products, offspring, rent, and profits of or from the property.

(C) "Property" does not include:

(i) any power that the owner may exercise solely for the benefit of another person; or

(ii) property impressed with a trust, except to the extent that the owner has a residual interest.

Cross reference: See Code, Commercial Law Article, § 24-101(p).

(2) For all other proceedings, "property" has the meaning set forth in Rule 1-202 (y).

(k) Receiver

"Receiver" means a person appointed by the court under Code, Commercial Law Article, § 24-201(a), and subject to the court's authority, to take possession of, manage, and, if authorized by the provisions of Title 24 of the Commercial Law Article or court order, transfer, sell, lease, license, exchange, collect, or otherwise dispose of receivership property.

Cross reference: See Code, Commercial Law Article, § 24-101(q).

(l) Receivership Property

"Receivership property" means property or business of an owner that is described in the order appointing a receiver or a subsequent order, including any products, offspring, profits, and proceeds of the property.

Cross reference: See Code, Commercial Law Article, § 24-101(s).

Source: This Rule is derived in part from former Rule BP1 a, and in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
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Rule 13-102. SCOPE

(a) Generally

The Rules in this Title apply to actions and proceedings in a circuit court:

(1) to assume jurisdiction over and administer an assignment for the benefit of creditors; and

(2) for the appointment of a receiver and the administration of a receivership proceeding.

(b) Exceptions

(1) The Rules in this Title do not apply to:

(A) receivership proceedings commenced under Rule 3-722, except that the District Court may apply a Rule in this Title to the extent that such application is not inconsistent with Rule 3-722 and is within the jurisdiction of the District Court.

(B) receivership proceedings commenced under Code, Commercial Law Article, § 24-201(b), except that Rules 13-101 through 13-108, 13-301 through 13-303, 13-501 (c) - (g), 13-601 through 13-603, and 13-701 through 13-704 apply in those proceedings.

(2) If, as part of an assignment or receivership proceeding, or in anticipation of such a proceeding, a foreclosure action subject to the Rules in Title 14 is commenced, the Rules in that Title apply and prevail with respect to the foreclosure proceeding.

Committee note: Code, Commercial Law Article, § 24-201(b) permits a court to appoint a receiver in connection with a commenced or anticipated foreclosure action under certain circumstances. Because foreclosure proceedings may be commenced only by the mortgagee or trustee, or the agent or assignee of the mortgage or trustee, and are subject to special procedures, requirements, and limitations, the Rules in Title 14 will apply to such proceedings. It is recommended that the same judge preside over both the foreclosure and the receivership proceedings to assure that both proceed efficiently and in harmony.

Source: This Rule is derived in part from former Rule BP1 b and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 100 - GENERAL PROVISIONS

Rule 13-103. APPLICABILITY OF OTHER RULES

(a) Generally

Except to the extent of any inconsistency with the Rules in this Title, the other applicable Maryland Rules apply to proceedings under this Title. To the extent there is any inconsistency, the Rules in this Title prevail.

(b) Discovery

Except as otherwise provided in this Title, the Rules in Title 2, Chapter 400 apply to discovery in actions under this Title.

Source: This Rule is in part derived from former Rule BP5 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 100 - GENERAL PROVISIONS

Rule 13-104. COMMENCEMENT OF ACTION

(a) Assignment

(1) How Commenced

An assignment for the benefit of creditors proceeding is commenced by the filing of a petition to assume jurisdiction over the assignment.

(2) Who May File

The petition shall be filed by the assignee.

(3) Where Filed

The petition shall be filed in the circuit court for any county in which (A) the debtor resides, is employed, or maintains a place of business, or (B) where some part of the estate is located.

(4) Contents

(A) The petition shall: (i) contain the name, address, and e-mail address of the assignor and the assignee; (ii) be accompanied by the executed assignment; (iii) if the assignor is a corporation, be accompanied by all required corporate resolutions or contain a statement that all such resolutions

have been executed; (iv) state the nature, approximate value, and location of the property comprising the estate, to the best of the petitioner's knowledge, information, and belief; and (v) contain or be accompanied by the name, address, and e-mail address, to the extent known, of all interested persons known to the petitioner and a statement of the efforts made by the petitioner to identify and locate other possible interested persons.

(B) If any information in the assignment is subject to shielding pursuant to the Rules in Title 16, Chapter 900, the petition shall be accompanied by a copy of the assignment with the shielded information redacted.

(b) Receivership

(1) How Commenced

A receivership proceeding is commenced by the filing of a petition, except that if a receivership is sought in a pending action, the receivership proceeding may be commenced by the filing of a motion in that action. The motion shall comply with the requirements of a petition set forth in subsection (b) (4) of this Rule.

(2) Who May File

The petition may be filed by any person with statutory or common law standing. If the receivership is sought in a

pending action, the motion may be filed by any party to that action.

Cross reference: See, in general, *Spivey-Jones v. Trans Healthcare*, 438 Md. 330 (2014), noting the existence of both equitable or chancery receiverships and statutory receiverships. For standing in equitable receiverships, see *Frigidraft, Inc. v. Michel*, 198 Md. 511 (1951).

(3) Where Filed

The petition shall be filed in the circuit court for any county in which (A) the debtor resides, is employed, or maintains a place of business, or (B) where some part of the estate is located.

(4) Contents

A petition to commence a receivership shall: (A) state the name, address, and e-mail address of the petitioner and the alleged debtor, averments showing that the petitioner is authorized by law to file the petition and the basis for the petition, the name, address, and e-mail address of the person the petitioner seeks to have appointed as the receiver, and averments showing that such person is legally qualified to be appointed as a receiver; and (B) contain or be accompanied by a list of the names, addresses, and e-mail addresses, to the extent known, of all interested persons known to the petitioner and a statement of the efforts made by the petitioner to identify and locate other possible interested persons.

Cross reference: See Code, Commercial Law Article, § 24-201 for the circumstances in which a receiver may be appointed pursuant to Title 24. See § 24-203 for disqualifications for appointment as a receiver.

(c) Show Cause Order

Upon the filing of a petition or motion under this Rule, the court shall issue a show cause order directing a person to show cause in writing on or before a specified date why the court should not take the action described in the order. The petition or motion, together with the show cause order, shall be served on the debtor in the manner directed by the Court.

(d) Hearing

Unless no interested party timely requests a hearing, after service of the show cause order and the petition or motion, the court promptly shall hold a hearing.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
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Rule 13-105. APPOINTMENT PRIOR TO NOTICE

(a) Grounds for Appointment

Upon a verified motion by the petitioner, the court may issue an order appointing a receiver before service of the show cause order and petition or motion only if (1) on evidence presented by the petitioner, the court finds on the record that the appointment is urgently required to preserve or protect property that will be receivership property from imminent waste, loss, transfer, dissipation or impairment, and (2) the petitioner posts security that satisfies the requirements of Code, Commercial Law Article, § 24-201(c)(1).

(b) Order

The order shall specify the authority granted to the receiver pending further proceedings.

(c) Modification or Termination of Appointment

Upon motion of any person joined as a party in the receivership and after a hearing, the court may modify or terminate the order.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
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CHAPTER 100 - GENERAL PROVISIONS

Rule 13-106. ELIGIBILITY TO SERVE AS RECEIVER, ASSIGNEE, OR PROFESSIONAL

(a) Receiver or Assignee

A person who is disqualified under Code, Commercial Law Article, § 24-203(b) may not be appointed as a receiver and shall be replaced as an assignee.

(b) Professionals Generally

A person may not serve as an attorney, accountant, appraiser, auctioneer, or other professional representing or assisting a receiver or assignee unless the person provides a statement, under penalty of perjury, as set forth in Rule 13-302, that demonstrates that the eligibility requirements under Code, Commercial Law Article, § 24-303 are satisfied.

(c) Ineligibility No Bar to Assumption of Jurisdiction

The court shall not refuse to assume jurisdiction over the estate of a debtor or appoint a receiver solely because it finds that the proposed assignee or receiver is ineligible to serve under this Rule. After assuming jurisdiction, the court shall remove the ineligible assignee or receiver pursuant to

Rule 13-701 and may take any action permitted or required by
Rule 13-703.

Source: This Rule is derived in part from former Rule BP3 a and
c, is in part derived from 11 U.S.C. § 101 and § 327, and is in
part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
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Rule 13-107. BOND

(a) Bond Requirement

The order for appointment of a receiver or assignee shall state whether the appointment is conditioned upon the filing of a bond and, if a bond is required, the amount of the bond.

(b) Amount of Bond

Notwithstanding any provision in Rule 1-402, the amount of the bond shall be no greater than the net value of the property of the estate. In the event of a later sale of property by the receiver or assignee, the court, upon request, shall evaluate the bond previously filed and may permit a decrease in the amount of the bond.

(c) Motion to Modify Amount of Bond

A receiver, assignee, or interested party may file a motion to modify the amount of a bond pursuant to Rule 1-402. The motion shall be served as provided under Rule 13-108 (c) and Code, Commercial Law Article, § 24-501 (d), or upon such persons as the court may direct.

(d) Terms of Bond

The bond shall be to the State of Maryland and shall be conditioned upon the faithful discharge of the duties of the receiver or assignee. In a receivership subject to Code, Commercial Law Article, Title 24, the bond shall comply with § 24-204 of that Article.

(e) Payment of Bond Premium from Estate

Unless the court orders otherwise, a receiver or assignee may advance the bond premium and be allowed reimbursement of the premium from the estate.

Source: This Rule is derived in part from former Rule V73 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 100 - GENERAL PROVISIONS

Rule 13-108. SERVICE OF PAPERS

(a) Filing Master Service List

The receiver or assignee shall file and maintain a master service list, and, at least once every 120 days, file with the court an updated master service list.

(b) Master Service List

In accordance with Code, Commercial Law Article, § 24-501 (c), the master service list shall consist of the names, mailing addresses, and, where available, facsimile numbers and e-mail addresses of the receiver or assignee, the debtor, all persons known by the receiver or assignee to have asserted any ownership or lien in property of the estate, all persons joined as parties in the proceeding, all attorneys of record and all persons who file an entry of appearance.

(c) General Requirement

Unless otherwise ordered by the court, a motion or other paper shall be served in accordance with Code, Commercial Law Article, § 24-501 (d) on:

- (1) all persons on the master service list;

(2) all persons that have asserted an ownership interest or lien in receivership property that is the subject of the motion;

(3) all persons that are identified in the motion as directly affected by the relief requested; and

(4) any other person that the court directs.

(d) Entry of Appearance

A person that is a creditor or party in interest and wishes to receive notices in a proceeding shall file with the clerk a notice of appearance stating the person's name, mailing address, email address, facsimile number, and telephone number and provide a copy of the notice to the receiver or assignee.

(e) Notices to Creditors

The receiver, assignee, or other person that files a motion shall include in the motion a notice section that states: (1) the deadline for filing and serving objections to the motion and any requests for a hearing; (2) the effect of a failure to respond to the motion or to attend any hearing the court may set; and (3) that, in the absence of a timely filed and served objection and request for a hearing, the court may rule on the motion without further notice or hearing.

(f) Content of Objection

An objection shall state the legal and factual basis for it and may be accompanied by a memorandum of fact and law. The objection shall contain a certificate of service certifying that

a copy of the objection and of any supporting memorandum have been sent to each person who was served with the motion.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 200 - NOTICE AND SCHEDULES

Rule 13-201. NOTICE TO CREDITORS

- (a) Notice by Receiver or Assignee
- (b) After Filing of Financial Documents
- (c) Later-Discovered Creditors
- (d) Notice to Clerks and Parties in Other Pending Civil Actions
- (e) Notice of Termination of Automatic Stay

Rule 13-202. FINANCIAL DOCUMENTS

- (a) Preparation and Filing by Debtor
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- (d) Order Compelling Disclosure; Sanction

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 200 - NOTICE AND SCHEDULES

Rule 13-201. NOTICE TO CREDITORS

(a) Notice by Receiver or Assignee

No later than five days after the court appoints a receiver or assignee, or assumes jurisdiction over an estate, the receiver or assignee shall prepare, mail, and cause any publication of the Notice to Creditors required under Code, Commercial Law Article, § 24-302 (a) and (b). The receiver or assignee shall file with the clerk a certificate of mailing or publication of the Notice within five days after the initial mailing or publication.

(b) After Filing of Financial Documents

Within five days after filing the financial documents required by Rule 13-202 (a), the receiver or assignee shall send a copy of the notice required by section (a) by mail to all creditors shown on the documents to whom the notice was not sent pursuant to section (a) of this Rule. Within five days after such mailing, the receiver or assignee shall file with the clerk a certificate of mailing.

(c) Later-Discovered Creditors

The receiver or assignee shall promptly send a copy of the notice required by section (a) by mail to each creditor whose identity is discovered after the mailing of the notice under sections (a) or (b). Within five days after such mailing, the receiver or assignee shall file a certificate of mailing.

(d) Notice to Clerks and Parties in Other Pending Civil Actions

(1) Requirement

If a financial document filed under Rule 13-202 discloses another civil action pending in a Maryland court to which the debtor is a party, the receiver or assignee shall file a notice of the receiver's appointment or the assumption of jurisdiction over the assignee's estate, and the automatic stay arising under Code, Commercial Law Article, § 24-401 with the clerk of the court where the debtor is a party to the action and send a copy (A) to all parties of record in that action and (B) to parties of record in a non-judicial foreclosure.

(2) Form and Time of Notice

The notice shall be on a form approved by the State Court Administrator and posted on the Judiciary website and shall be sent by first class or certified mail within 10 days after the filing of the financial document disclosing the pending action.

(e) Notice of Termination of Automatic Stay

Within ten days after entry of an order under Rule 13-704 terminating the receivership or assignment for the benefit of creditors, the receiver or assignee shall file a notice of the termination of the automatic stay in any action in which the notice required under section (d) of this Rule was filed. The notice shall be substantially in the form approved by the State Court Administrator and posted on the Judiciary website.

Source: This Rule is derived in part from former Rule BP4 a 1, in part from former Rule BP4 a 2, and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 200 - NOTICE AND SCHEDULES

Rule 13-202. FINANCIAL DOCUMENTS

(a) Preparation and Filing by Debtor

Subject to a court order, within 15 days after the court appoints a receiver or assumes jurisdiction over the estate, the debtor shall complete and file in the proceeding, with copies to the receiver or assignee, the Schedules of Assets and Liabilities and Statement of Financial Affairs substantially in the form approved by the State Court Administrator and posted on the Judiciary website.

(b) Preparation and Filing by Receiver or Assignee

If the debtor or designated party fails to file the financial documents required by section (a) within the deadline set for such filing, the receiver or assignee, to the extent able to supply the information, shall prepare and file the documents. The documents shall be filed within 30 days after the debtor's required filing date or such other date as the court orders.

(c) Failure of Receiver or Assignee to File Documents

If a receiver or assignee who is required to file the documents required by section (a) fails to do so within the required time, any creditor may file a motion regarding the delinquency. Upon the filing of the motion or on its own initiative, the court may issue an order to the receiver or assignee to show cause in writing on or before a specified date why the receiver or assignee should not be compelled to file the schedule or be removed. Unless cause is shown or the financial documents required by this Rule are filed, the court shall remove the receiver or assignee.

(d) Order Compelling Disclosure; Sanction

Upon a motion of the receiver or assignee, or on the court's initiative, the court may order a designated party or parties, or any other person who may have information that is necessary for the filing or completion of the financial documents required by section (a) to appear before the court or before an examiner pursuant to Rule 2-542 and to disclose such information. If the designated party or other person refuses to comply with an order compelling disclosure, the court may hold the offending party in contempt.

Source: This Rule is derived in part from former Rule BP2 a and b and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 300 - EMPLOYMENT OF PROFESSIONALS

Rule 13-301. EMPLOYMENT OF ATTORNEY, ACCOUNTANT, APPRAISER,
AUCTIONEER, BROKER, OR OTHER PROFESSIONAL

- (a) Court Approval Required
- (b) Prior Approval of Compensation in Certain Instances

Rule 13-302. AFFIDAVIT OF RECEIVER, ASSIGNEE, AND PROFESSIONAL

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TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 300 - EMPLOYMENT OF PROFESSIONALS

Rule 13-301. EMPLOYMENT OF ATTORNEY, ACCOUNTANT, APPRAISER, AUCTIONEER, BROKER, OR OTHER PROFESSIONAL

(a) Court Approval Required

An order approving the employment of attorneys, accountants, appraisers, auctioneers, brokers, or other professionals under Code, Commercial Law Article, § 24-303, shall be entered only upon motion of the receiver or assignee. The motion shall set forth (1) the necessity for the employment, (2) the information required by Code, Commercial Law Article, § 24-303 (a) (3), and (3) if the schedule required by Rule 13-202 has not been filed, the nature and approximate amount of the debtor's property and debts. The motion shall be accompanied by the affidavit required by Rule 13-302. A receiver or assignee may serve as attorney or accountant for the estate with court approval.

(b) Prior Approval of Compensation in Certain Instances

If the motion requesting authority to employ an attorney, accountant, appraiser, auctioneer, broker, or other professional sets forth in reasonable detail the basis for the proposed

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compensation of the person to be employed, the court may authorize compensation to be paid without further order of court for work completed within stated limits. This Rule does not apply to a receiver or an assignee who serves as attorney or accountant for the estate.

Source: This Rule is derived in part from former Rule BP6 a and b and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 300 - EMPLOYMENT OF PROFESSIONALS

Rule 13-302. AFFIDAVIT OF RECEIVER, ASSIGNEE, AND PROFESSIONAL

(a) Required Disclosure by Affidavit of Receiver or Assignee

A receiver or assignee shall file an affidavit containing all of the information that would demonstrate eligibility under Code, Commercial Law Article, § 24-203(b).

(b) Required Disclosure by Affidavit of Other Professional

Each attorney, accountant, appraiser, auctioneer, broker, or other professional to be employed by the assignee or receiver shall file an affidavit containing all of the information that would demonstrate eligibility under Code, Commercial Law Article, § 24-303.

(c) When Filed

The affidavit shall be filed:

- (1) by an assignee, with the petition;
- (2) by a receiver, with the petition or motion seeking appointment of the receiver;
- (3) by an attorney, accountant, appraiser, auctioneer, broker, or other professional, with the motion requesting authority to employ the person.

(d) Supplemental Disclosure

A person who has filed an affidavit under this Rule and who learns that the information in the affidavit is inaccurate or incomplete shall promptly file a supplemental affidavit.

(e) Penalty for Failure to Disclose Required Information

In addition to any other remedies provided by law, the court, pursuant to Rule 13-701, may remove any person who fails to disclose any information required to be disclosed by this Rule and may take any action permitted or required by Rule 13-703.

Source: This Rule is derived in part from former Rule BP3 a, b, and d and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 300 - EMPLOYMENT OF PROFESSIONALS

Rule 13-303. COMPENSATION AND EXPENSES BY RECEIVER, ASSIGNEE,
AND PROFESSIONAL

(a) Motion for Allowance of Compensation and Expenses

Except to the extent provided in the order appointing a receiver in a proceeding filed under Code, Commercial Law Article, § 24-103 (a) (1), or except as provided in Code, Commercial Law Article, § 24-303 (d) (2) or Rule 13-301 (b), before a receiver, assignee, or any person performing services for the estate pursuant to Rule 13-301 is paid compensation or reimbursed for expenses not previously approved by the court, the receiver or assignee shall file with the court a motion for the allowance of compensation and expenses. The motion shall include the information required by Code, Commercial Law Article, § 24-303 (c) (1), and also shall include:

- (1) the amount of compensation and expenses requested;
- (2) the amount of any compensation or expenses previously allowed by the court to the movant;
- (3) the amount of any compensation and expenses received from or to be paid by any source other than the estate; and

(4) a detailed description of any agreement or understanding for a division of the compensation between the person rendering services and any other person except those specifically permitted to share in compensation by section (c) of this Rule.

(b) Allowance

The court shall review the motion and any evidence presented and shall determine the appropriate amount of compensation and expenses to be paid to the receiver, assignee, or person performing services for the receiver or assignee. In determining the amount, the court is not bound by any compensation or commission fixed in an assignment for the benefit of creditors or in any other agreement not approved by the court.

(c) Sharing of Compensation

Without the express written approval of the court, a receiver, assignee, or person performing services for a receiver or assignee shall not, in any form or manner, share or agree to share compensation for services rendered with any person other than a partner, employer, or regular employee of the person rendering services.

Source: This Rule is derived in part from former Rule BP7 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 400 - CLAIMS

Rule 13-401. PROOF OF CLAIM

- (a) Time for Filing
- (b) Extension of Time
- (c) Form
- (d) Assignment of Claim

Rule 13-402. OBJECTIONS TO CLAIMS

Rule 13-403. COMPROMISE OF CLAIM OR DISPUTE

Rule 13-404. RELIEF FROM STAY

- (a) Motion
- (b) Contents
- (c) Service

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 400 - CLAIMS

Rule 13-401. PROOF OF CLAIM

(a) Time for Filing

A proof of claim in a proceeding filed under Code, Commercial Law Article, § 24-103 (a) (2) or (3), or in a proceeding filed by an assignee, shall be filed within 120 days after the later of the date of the notice to creditors or the date of the most recent publication of the notice, under Rule 13-201.

(b) Extension of Time

The court may extend the time for filing a proof of claim for good cause upon the filing of a motion by any person.

(c) Form

A proof of claim, together with supporting documentation, shall be substantially in the form approved by the State Court Administrator and posted on the Judiciary website. The form shall comply with Code, Commercial Law Article, § 24-302(c).

(d) Assignment of Claim

If a claim has been assigned after a proof of claim has been filed, the transferee of the original claimant shall file a

notice of assignment within 15 days after the date of such assignment. The notice of assignment of the claim shall be substantially in the form approved by the State Court Administrator and posted on the Judiciary website.

Source: This Rule is derived in part from former Rule BP4 b and c and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 400 - CLAIMS

Rule 13-402. OBJECTIONS TO CLAIMS

A motion objecting to a proof of claim may be filed at any time before entry of an order approving a receiver's or assignee's final report. The grounds for the motion shall be stated with particularity. The motion shall be served on the claimant, the claimant's counsel of record, if any, and, unless the receiver or assignee is the moving party, on the receiver or assignee.

Source: This Rule is derived in part from former Rule BP4 d and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 400 - CLAIMS

Rule 13-403. COMPROMISE OF CLAIM OR DISPUTE

On motion by a receiver or assignee, the court may approve a compromise or settlement of a claim or other dispute.

Source: This Rule is in part derived from former Rule V77 b 1 and is in part new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 400 - CLAIMS

Rule 13-404. RELIEF FROM STAY

(a) Motion

A creditor or other interested party may file a motion seeking relief from the stay imposed by Code, Commercial Law Article, § 24-401 (a).

(b) Contents

The motion shall state the grounds that constitute cause for relief from the stay. If the motion requests relief from the stay in order to enforce a lien or interest in real or personal property, the motion shall include:

(1) a verified, detailed statement of the debt owed to the movant, including the amount of arrearages accrued, if any;

(2) a description of the property and the security interest involved, with attached documents evidencing the security interest and its perfection;

(3) if the movant asserts a valuation, the amount of the valuation, its date, and the basis for the valuation (e.g., appraisal, vehicle valuation publication, etc.);

(4) the grounds that constitute cause; and

(5) the remedy sought.

(c) Service

The motion shall be served as provided under Rule 13-108 (c) and Code, Commercial Law Article, § 24-501(d), or upon such persons as the court may direct.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 500 - REPORTS AND DISTRIBUTIONS

Rule 13-501. REPORTS

- (a) Interim Report
- (b) Form of Interim Report
- (c) Final Report
- (d) Form of Final Report
- (e) Monthly Report if Conducting a Business
- (f) Further Accountability
- (g) Examination by Trust Clerk

Rule 13-502. DISTRIBUTION

- (a) Court Approval Required
- (b) Minimum Dividend
- (c) Disposition of Unclaimed Distributions
- (d) Distribution as Part of Final Report

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 500 - REPORTS AND DISTRIBUTIONS

Rule 13-501. REPORTS

(a) Interim Report

An interim report shall be filed by a receiver or assignee at such times as the receiver or assignee determines is appropriate or as ordered by the court.

(b) Form of Interim Report

An interim report shall be substantially in the form approved by the State Court Administrator and posted on the Judiciary website. The form shall comply with Code, Commercial Law Article, § 24-601.

(c) Final Report

A final report shall be filed by a receiver or assignee upon completion of the receiver's or assignee's duties.

(d) Form of Final Report

A final report shall be substantially in the form approved by the State Court Administrator and posted on the Judiciary website. The form shall comply with Code, Commercial Law Article, § 24-602.

(e) Monthly Report if Conducting a Business

For each calendar month during which the receiver or assignee conducts the business of the debtor, the receiver or assignee shall file a report listing the receipts and disbursements in reasonable detail. The report shall be filed not later than the 15th day after the end of the monthly reporting period.

(f) Further Accountability

Nothing in this Rule shall be construed to abridge the power of the court to require a receiver or assignee to submit reports covering periods greater or lesser, or at times earlier or later, than those prescribed in this Rule or to require the submission of more detailed information than that which is prescribed in this Rule.

(g) Examination by Trust Clerk

(1) Examination of Reports

If requested by the court, the trust clerk shall examine all reports submitted pursuant to this Rule. The trust clerk shall determine whether all required information has been submitted and whether the amount of and surety on the bond of the receiver or assignee are sufficient to protect the estate.

(2) Examination of Property Not Required

Unless the court orders otherwise, the trust clerk need not examine the property of the estate.

(3) Report and Recommendation

The trust clerk shall (A) report any irregularities in the report to the court, (B) bring to the court's attention any other matter that the trust clerk considers appropriate, and (C) make any appropriate recommendation, all of which shall be served on the receiver or assignee and on any person directly or indirectly affected by the report or recommendation.

Source: This Rule is derived in part from former Rule BP9 a, b, d, e, f, and g, and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 500 - REPORTS AND DISTRIBUTIONS

Rule 13-502. DISTRIBUTION

(a) Court Approval Required

No interim or final distribution shall be made by a receiver or assignee without court approval. Until a final distribution is made to creditors, the estate may not be closed, and any bond of the receiver or assignee may not be released.

(b) Minimum Dividend

Unless the court orders otherwise, the assignee or receiver may not make a distribution to a creditor in an amount less than \$5.00. Any amount not distributed to a particular creditor shall be redistributed *pro rata* to other creditors that are entitled to receive a distribution.

(c) Disposition of Unclaimed Distributions

The receiver or assignee shall pay into the court's registry any distributions that remain unclaimed for 90 days after the date of issuance of the distribution. The receiver or assignee shall file a list of the names and last known addresses of persons who have not claimed distributions, showing the amount of each person's distribution. The clerk shall issue a

receipt for the payment, and the receipt shall release and discharge the receiver or assignee making the payment.

Thereafter, any unclaimed distributions shall be subject to Code, Commercial Law Article, § 17-101, et seq.

(d) Distributions as Part of Final Report

A receiver or assignee may satisfy the requirement of court approval of a final distribution by proposing the distribution in a final report approved by the court under Code, Commercial Law Article, § 24-602.

Source: This Rule is derived in part from former Rules BP9 b 2 and BP10 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 600 - DISPOSITION OF PROPERTY

Rule 13-601. ABANDONMENT OF PROPERTY AND RECORDS

- (a) Abandonment of Property
- (b) Abandonment or Destruction of Books and Records

Rule 13-602. ASSUMPTION, REJECTION, OR ASSIGNMENT OF AN EXECUTORY CONTRACT

- (a) Motion to Assume, Reject, or Assign
- (b) Limitations
- (c) Omnibus Motion
- (d) Finality of Determination
- (e) Time for Filing Rejection Damage Claims

Rule 13-603. USE AND TRANSFER OF ESTATE PROPERTY OTHER THAN IN THE ORDINARY COURSE OF BUSINESS

- (a) Definition
- (b) Court Approval
- (c) Motion
- (d) Report of Sale
- (e) Inapplicability of Title 14, Chapter 300

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 600 - DISPOSITION OF PROPERTY

Rule 13-601. ABANDONMENT OF PROPERTY AND RECORDS

(a) Abandonment of Property

On motion of a receiver or assignee, the court may order the abandonment of any property of the estate that is burdensome or not of material value to the estate.

(b) Abandonment or Destruction of Books and Records

(1) Motion

In connection with the termination of the receivership or assignment for the benefit of creditor's estate, the receiver or assignee may move for permission to destroy, return to the debtor, or otherwise dispose of all or part of the books and records of the debtor or of the estate.

(2) Notice

Notice of the motion shall be given to all federal and state tax authorities, the debtor at the debtor's last known address, and all other parties that are required to be served under Rule 13-108 (c).

Source: This Rule is derived from former Rule BP8 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 600 - DISPOSITION OF PROPERTY

Rule 13-602. ASSUMPTION, REJECTION, OR ASSIGNMENT OF AN
EXECUTORY CONTRACT

(a) Motion to Assume, Reject, or Assign

An executory contract may be assumed, rejected, or assigned by the receiver or assignee only if authorized by the court on motion filed by the receiver or assignee.

(b) Limitation

The receiver or assignee may not seek authority to assume or assign multiple executory contracts in one motion unless:

(1) all executory contracts to be assumed or assigned are between the same parties or are to be assigned to the same assignee; or (2) the court otherwise authorizes such motion to be filed. Subject to section (c), the receiver may join requests for authority to reject multiple executory contracts in one motion.

(c) Omnibus Motion

A motion to reject or, if permitted under section (b), a motion to assume or assign multiple executory contracts that are not between the same parties, shall:

(1) State in a conspicuous place where parties receiving the omnibus motion should locate their names and their contracts listed in the motion;

(2) List parties alphabetically and identify the corresponding contract;

(3) Specify the terms, including the amount and timing of curing monetary defaults, for each requested assumption or assignment;

(4) Specify the terms, including the identity of each assignee, and the adequate assurance of future performance by each assignee, for each requested assignment;

(5) Be numbered consecutively with other omnibus motions to assume, assign, or reject executory contracts; and

(6) Be limited to no more than 100 contracts.

(d) Finality of Determination

The finality of any order respecting an executory contract included in an omnibus motion shall be determined as though such contract had been the subject of a separate motion.

(e) Time for Filing Rejection Damage Claims

A claim for damages for rejection of an executory contract shall be set forth on a proof of claim substantially in the form and with the supporting documentation required in Rule 13-401 (b) and shall be filed by the later of the time for submitting a proof of claim in the proceeding, or 30 days after

entry of the order rejecting the executory contract, unless otherwise ordered by the court.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 13 - RECEIVERS AND ASSIGNEES
CHAPTER 600 - DISPOSITION OF PROPERTY

Rule 13-603. USE AND TRANSFER OF ESTATE PROPERTY OTHER THAN IN
THE ORDINARY COURSE OF BUSINESS

(a) Definition

In this Rule, "transfer" includes a sale, lease, license, exchange or other disposition of estate property.

(b) Court Approval

A receiver or assignee may not (1) use or (2) transfer other than pursuant to Rule 13-601, receivership property outside of the ordinary course of business unless the use or transfer is authorized by the court upon motion filed by the receiver or assignee.

(c) Motion

(1) Generally

The motion shall be accompanied by a proposed order and any proposed purchase, license, exchange agreement, or lease and shall state why the proposed transaction is in the best interest of the receivership or assignment.

(2) Sale

A sale of property outside the ordinary course of business may be by private sale or public sale. If the motion seeks a private sale of the property, it shall describe the terms of the proposed sale, the basis for the receiver's or assignee's belief as to the fairness and reasonableness of the proposed terms and, to the extent applicable, shall include the following information:

(A) if an appraisal has been performed at the request of the receiver or assignee: (i) the appraised value of the property being sold; (ii) the date of the appraisal; and (iii) the name and address of the appraiser;

(B) the purchaser's identity;

(C) a full description of the relationship between the purchaser and the receiver, assignee, owner of the property, or other parties in interest;

(D) the statement of all consideration to be paid the purchaser and the payment terms;

(E) a statement of all charges and costs to be paid by the estate and all concessions to be made by the estate;

(F) any provision in which the receiver or assignee has agreed not to solicit competing offers for the property subject to the motion or to otherwise limit shopping of the property;

(G) any deadline for the closing of the proposed sale and any other condition to closing the proposed sale;

(H) the amount of any deposit that the purchaser has paid or will be required to pay;

(I) the terms of any interim operating or management agreement between the receiver or assignee and the proposed purchaser;

(J) the proposed use of the sale proceeds;

(K) whether the proposed sale will be free and clear of any lien;

(L) whether the proposed sale will be free and clear of a possessory leasehold interest, license or other right; and

(M) whether the receiver or assignee seeks to allow, disallow, or affect, in any manner, credit bidding pursuant to § 24-304(g) of the Commercial Law Article.

(d) Report of Sale

As soon as practicable, but not more than 30 days after the closing of a sale, the receiver or assignee shall file and serve a report of the sale listing the amount paid by the purchaser, all closing expenses, including any sales commission paid by the receiver or assignee, any amount paid to discharge liens on the property, and any amount to be retained by the estate.

(e) Inapplicability of Title 14, Chapter 300

The provisions of Title 14, Chapter 300 of the Rules do not apply to a sale by a receiver or assignee under this Title.

Committee note: Title 14, Chapter 300 does apply to a foreclosure, whether or not in conjunction with a receivership. Section (d) only applies to sales by the receiver or assignee.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 700 - REMOVAL; RESIGNATION; TERMINATION OF PROCEEDING

Rule 13-701. REMOVAL OF ASSIGNEE, RECEIVER, OR PROFESSIONAL

- (a) Motion; On Court's Own Initiative
- (b) Show Cause Order; Service
- (c) Disposition

Rule 13-702. RESIGNATION OF RECEIVER OR ASSIGNEE

- (a) Motion
- (b) Report to Be Filed
- (c) Termination of Appointment
- (d) Proceedings

Rule 13-703. APPOINTMENT OF SUCCESSORS; FORFEITURE OF
COMPENSATION

Rule 13-704. TERMINATION OF PROCEEDING

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 700 - REMOVAL; RESIGNATION; TERMINATION OF PROCEEDING

Rule 13-701. REMOVAL OF ASSIGNEE, RECEIVER, OR PROFESSIONAL

(a) Motion; On Court's Own Initiative

Any person having an interest in the estate may file a motion to remove a receiver, assignee, or any person employed as a professional by the receiver or assignee. A motion filed pursuant to this section shall state the reasons for the requested removal and may include a request for the appointment of a successor receiver, assignee, or professional. The court may initiate removal proceedings by entry of a show cause order pursuant to section (b) of this Rule and shall state in the order the reasons for the proposed removal.

(b) Show Cause Order; Service

If removal proceedings are initiated, the court shall order the receiver, assignee, or professional to show cause why the receiver, assignee, or professional should not be removed or be subject to other sanctions. The order, together with a copy of any motion, shall be served pursuant to Rule 2-121 on the person sought to be removed or, if it is shown by affidavit that the whereabouts of the person sought to be removed are unknown

and that reasonable efforts have been made in good faith to locate the person, the court may order service pursuant to Rule 2-122. Copies of the show cause order and any motion shall be sent by first class mail, postage prepaid, to the surety on the bond of the receiver or assignee and to any other persons directed by the court.

(c) Disposition

For cause, including ineligibility, the court may remove a receiver, assignee, or professional.

Cross reference: See Code, Commercial Law Article, § 24-703.

Source: This Rule is in part derived from former Rule V84 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 700 - REMOVAL; RESIGNATION; TERMINATION OF PROCEEDING

Rule 13-702. RESIGNATION OF RECEIVER OR ASSIGNEE

(a) Motion

A receiver may file a motion for permission to resign in the court in which the receiver was appointed. An assignee may file a motion to resign in the court in which a petition to assume jurisdiction of the estate has been filed. The motion shall state the reasons for the proposed resignation and may include a request for the appointment of a successor receiver or assignee.

(b) Report to Be Filed

The receiver or assignee shall file with the motion a report pursuant to Rule 13-501 for any period not covered in any report previously filed or, if no previous report has been filed, from the date the receiver or assignee took charge of the estate.

(c) Termination of Appointment

The resignation of a receiver or assignee does not terminate the appointment until the receiver or assignee has

accounted for and turned over all property of the estate and the resignation has been approved by the court.

(d) Proceedings

In an order granting the motion, the court may specify any conditions for the acceptance of the resignation that the nature of the case may require.

Source: This Rule is in part derived from former Rule V81 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 700 - REMOVAL; RESIGNATION; TERMINATION OF PROCEEDING

Rule 13-703. APPOINTMENT OF SUCCESSORS; FORFEITURE OF
COMPENSATION

When a receiver, assignee, or professional dies, becomes disabled, resigns, or is removed, the court shall appoint a successor on its own initiative or on the motion of any person having an interest in the estate. The court shall order that all appropriate papers, records, and property be turned over to the successor and may order that a removed or resigning receiver or assignee file any report required by Rule 13-501. The court may order the person removed to forfeit any future compensation and return any compensation for services previously rendered.

Source: This Rule is derived from former Rule V82 a.

MARYLAND RULES OF PROCEDURE

TITLE 13 - RECEIVERS AND ASSIGNEES

CHAPTER 700 - REMOVAL; RESIGNATION; TERMINATION OF PROCEEDING

Rule 13-704. TERMINATION OF PROCEEDING

After a final report is approved by the court, the receiver or assignee is discharged from performing duties, the receivership property is fully administered, and distributions, if any, are made, the court, on its own initiative, or on motion of a party in interest, shall enter an order terminating the receivership or assignment for the benefit of creditors proceeding.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE
TITLE 14 - SALES OF PROPERTY
CHAPTER 100 - GENERAL PROVISIONS

AMEND Rule 14-102 by updating statutory references, as follows:

Rule 14-102. JUDGMENT AWARDING POSSESSION

(a) Motion

(1) If the purchaser of an interest in real property at a sale conducted pursuant to the Rules in this Title is entitled to possession and the person in actual possession fails or refuses to deliver possession, the purchaser or a successor in interest who claims the right of immediate possession may file a motion for judgment awarding possession of the property.

(2) The motion shall state the legal and factual basis for the movant's claim of entitlement to possession.

(3) If the movant's right to possession arises from a foreclosure sale of a dwelling or residential property, the motion shall include averments, based on a reasonable inquiry into the occupancy status of the property and made to the best of the movant's knowledge, information, and belief, establishing either that the person in actual possession is not a bona fide tenant having rights under Code, Real Property Article, § ~~7-~~

~~105.6~~ 7-105.8 or, if the person in possession is such a bona fide tenant, that the notice required under these laws has been given and that the tenant has no further right to possession. If a notice pursuant to Code, Real Property Article, § ~~7-105.6~~ 7-105.8 is required, the movant shall state the date the notice was given and attach a copy of the notice as an exhibit to the motion.

Committee note: Unless the purchaser is a foreclosing lender or there is waste or other circumstance that requires prompt remediation, the purchaser ordinarily is not entitled to possession until the sale has been ratified and the purchaser has paid the full purchase price and received a deed to the property. See *Legacy Funding v. Cohn*, 396 Md. 511 (2007) and *Empire v. Hardy*, 386 Md. 628 (2005).

. . .

(d) Service and Response

(1) On Whom

The motion and all accompanying documents shall be served on the person in actual possession and on any other person affected by the motion.

(2) Party to Action or Instrument

(A) If the person to be served was a party to the action that resulted in the sale or to the instrument that authorized the sale, the motion shall be served in accordance with Rule 1-321.

(B) Any response shall be filed within the time set forth

in Rule 2-311.

(3) Not a Party to Action or Instrument

(A) If the person to be served was not a party to the action that resulted in the sale or a party to the instrument that authorized the sale, the motion shall be served:

(i) by personal delivery to the person or to a resident of suitable age and discretion at the dwelling house or usual place of abode of the person, or

(ii) if on at least two different days a good faith effort was made to serve the person under subsection (d) (3) (A) (i) of this Rule but the service was not successful, by (a) mailing a copy of the motion by certified and first-class mail to the person at the address of the property and (b) posting in a conspicuous place on the property a copy of the motion, with the date of posting conspicuously written on the copy.

(B) Any response shall be filed within the time prescribed by sections (a) and (b) of Rule 2-321 for answering a complaint. If the person asserts that the motion should be denied because the person is a bona fide tenant having a right of possession under Code, Real Property Article, § ~~7-105.6~~ 7-105.8, the response shall (i) state the legal and factual basis for the assertion and (ii) be accompanied by a copy of any bona fide lease or documents establishing the existence of such a lease or

state why the lease or documents are not attached.

(4) Judgment of Possession

If a timely response to the motion is not filed and the court finds that the motion complies with the requirements of sections (a) and (b) of this Rule, the court may enter a judgment awarding possession. If a timely response to the motion is filed and the response asserts sufficient grounds for denial of a judgment awarding possession, the court shall hold a hearing, if requested.

Cross reference: See Rule 2-311 (f), providing that the court may not render a decision that is dispositive of a claim or defense without a hearing if a hearing was requested as provided in that section.

(e) Residential Property; Notice and Affidavit

After entry of a judgment awarding possession of residential property as defined in Rule 14-202 (q), but before executing on the judgment, the purchaser shall:

(1) send by first-class mail the notice required by Code, Real Property Article, § ~~7-105.9 (d)~~ 7-105.11 (d) addressed to "All Occupants" at the address of the property; and

(2) file an affidavit that the notice was sent.

Cross reference: Rule 2-647 (Enforcement of Judgment Awarding Possession).

Source: This Rule is derived in part from the 2008 version of former Rule 14-102 and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-202 by deleting references to repealed statutory provisions, by updating statutory references, and by revising a Committee note following section (t), as follows:

Rule 14-202. DEFINITIONS

. . .

(b) Borrower

"Borrower" means:

- (1) a mortgagor;
- (2) a grantor of a deed of trust;
- (3) any person liable for the debt secured by the lien;
- (4) a maker of a note secured by an indemnity deed of trust;
- (5) a purchaser under a land installment contract; and
- (6) a person whose property is subject to a lien under Code, Real Property Article, Title 14, Subtitle 2 (Maryland Contract Lien Act); and

~~(7) a leasehold tenant under a ground lease, as defined in Code, Real Property Article, § 8-402.3 (a) (6).~~

. . .

(g) Foreclosure Mediation

(1) Generally

“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.

Committee note: This is the definition stated in Code, Real Property Article, § 7-105.1 (a) ~~(3)~~ (4). Code, Real Property Article, §§ 7-105.1 (d), (k), (l), (m), and (n) require that the foreclosure mediation be conducted by the Office of Administrative Hearings.

(2) Prefile Mediation

“Prefile mediation” means foreclosure mediation that occurs in accordance with Code, Real Property Article, § 7-105.1 (d) before the date on which the order to docket or complaint to foreclose is filed.

(3) Postfile Mediation

“Postfile mediation” means foreclosure mediation that occurs in accordance with Code, Real Property Article, § 7-105.1(j) after the date on which the order to docket or complaint to foreclose is filed.

. . .

(i) Lien Instrument

"Lien instrument" means any instrument creating or authorizing the creation of a lien on property, including:

- (1) a mortgage;
- (2) a deed of trust;
- (3) a land installment contract, as defined in Code, Real Property Article, § ~~10-101(b)~~ 10-101 (c);
- (4) a contract creating a lien pursuant to Code, Real Property Article, Title 14, Subtitle 2;
- (5) a deed or other instrument reserving a vendor's lien; or
- (6) an instrument creating or authorizing the creation of a lien in favor of a homeowners' association, a condominium council of unit owners, a property owners' association, or a community association.

. . .

(s) Secured Party

"Secured party" means any person who has an interest in property secured by a lien or any assignee or successor in interest to that person. The term includes:

- (1) a mortgagee;
- (2) the holder of a note secured by a deed of trust or indemnity deed of trust;
- (3) a vendor under a land installment contract or holding a vendor's lien;
- (4) a person holding a lien under Code, Real Property

Article, Title 14, Subtitle 2;

(5) a condominium council of unit owners;

(6) a homeowners' association; and

(7) a property owners' or community association; and.

~~(8) a ground lease holder, as defined in Code, Real Property Article, § 8-402.3 (a)(3).~~

The term does not include a secured party under Code, Commercial Law Article, § 9-102 (a) ~~(3)~~ (74).

(t) Statutory Lien

"Statutory lien" means a lien on property created by a statute providing for foreclosure in the manner specified for the foreclosure of mortgages, ~~including a lien created pursuant to Code, Real Property Article, § 8-402.3 (d).~~

Committee note: Liens created pursuant to Code, Real Property Article, Title 14, Subtitle 2 (Maryland Contract Lien Act) are to be foreclosed "in the same manner, and subject to the same requirements, as the foreclosure of mortgages or deeds of trust." See Code, Real Property Article, § 14-204 (a). ~~A lien for ground rent in arrears created pursuant to Code, Real Property Article, § 8-402.3 (d) is to be foreclosed "in the same manner and subject to the same requirements, as the foreclosure of a mortgage or deed of trust containing neither a power of sale nor an assent to decree." See Code, Real Property Article, § 8-402.3 (n).~~

Source: This Rule is derived in part from the 2008 version of former Rule 14-201 (b) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-205, by updating a statutory reference in the cross reference following section (c), as follows:

Rule 14-205. CONDITIONS PRECEDENT TO THE FILING OF AN ACTION

. . .

(c) Land Installment Contract

(1) Notice

An action to foreclose a land installment contract on property other than residential property may not be filed until at least 30 days after the secured party has served written notice on the borrower, the record owner of the property, and, if different, the person in possession at the address of the property. The notice shall describe the default with particularity and state that foreclosure proceedings will be filed on or after a designated day, not less than 30 days after service of the notice, unless the default is cured prior to that day.

(2) Method of Service

The secured party shall serve the notice required by subsection (1) of this section by (A) certified and first-class

mail to the last known address of the person or (B) personal delivery to the person or to a resident of suitable age and discretion at the dwelling house or usual place of abode of the person.

Cross reference: For the definition of "land installment contract," see Code, Real Property Article, § ~~10-101(b)~~ 10-101(c).

Source: This Rule is derived in part from the 2008 version of Rule 14-203(a) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-206 by updating statutory references and by revising a Committee note following section (a), as follows:

Rule 14-206. PETITION FOR IMMEDIATE FORECLOSURE AGAINST RESIDENTIAL PROPERTY

(a) Right to File

A secured party may file a petition to be excused from the time and notice requirements of Code, Real Property Article, § 7-105.1 (b) and (c) and Rule 14-205 (b) and for leave to file an action for immediate foreclosure of a lien against residential property if:

- (1) the debt secured by the lien instrument was obtained by fraud or deception;
- (2) no payments have ever been made on the debt;
- (3) the property subject to the lien has been destroyed;
- (4) the default occurred after all stays have 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 Code, Real Property Article, § ~~7-105.14~~ 7-105.18.

Committee note: Notice and hearing procedures for filing a petition for leave to immediately commence an action for foreclosure of a lien against vacant and abandoned property are different than the procedures for filing a petition for other expedited foreclosure proceedings. See Code, Real Property Article, § ~~7-105.14 (b)~~ 7-105.18 (b) for the notice and hearing procedures pertaining to vacant and abandoned property and (c) for the criteria required to make a finding that a property is vacant and abandoned.

. . .

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-207 by updating the statutory reference in the cross reference following section (c), as follows:

Rule 14-207. PLEADINGS; SERVICE OF CERTAIN AFFIDAVITS, PLEADINGS, AND PAPERS

. . .

(c) When a Certificate of Vacancy or a Certificate of Property Unfit for Human Habitation Has Been Filed

If the property is residential property and the order to docket or complaint to foreclose is based on a certificate of vacancy or a certificate of property unfit for human habitation, the order to docket or complaint to foreclose shall be accompanied by a copy of the certificate and by the exhibits required by subsections (b) (1) through (b) (5) of this Rule.

Cross reference: See Code, Real Property Article, § ~~7-105.11~~ 7-105.13.

. . .

Source: This Rule is derived in part from the 2008 version of former Rule 14-204(a) and (c) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-207.1 to update references in section (c) from Rules 2-541 (i) and 2-542 (i) to Rules 16-807 (b) and 16-808 (b), respectively, as follows:

Rule 14-207.1. COURT SCREENING

. . .

(c) Special Magistrates or Examiners

The court may designate one or more qualified Maryland lawyers to serve as a part-time special magistrate or examiner to screen pleadings and papers under section (a) of this Rule, conduct proceedings under section (b) of this Rule, and make appropriate recommendations to the court. Subject to section (d) of this Rule, the costs and expenses of the special magistrate or examiner may be assessed against one or more of the parties pursuant to Code, Courts Article, § 2-102(c), ~~Rule 2-541(i), or Rule 2-542(i)~~ Rule 16-807 (b), or Rule 16-808 (b). With his or her consent, the special magistrate or examiner may serve on a pro bono basis.

. . .

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-208.1 by updating the statutory reference in section (a), as follows:

Rule 14-208.1. CHALLENGE OF CERTIFICATE OF VACANCY OR
CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION

(a) Right to Challenge

If the record owner or occupant has been served with an order to docket or complaint to foreclose that does not comply with the requirements of Code, Real Property Article, § 7-105.1, and a certificate of vacancy or certificate of property unfit for human habitation issued to a secured party pursuant to Code, Real Property Article, § ~~7-105.11~~ 7-105.13 is relied upon by the secured party to excuse compliance with those requirements, the record owner or occupant of a property may challenge the certificate in accordance with this Rule.

. . .

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-209 by updating the statutory references in sections (a), (c), and (d), as follows:

Rule 14-209. SERVICE IN ACTIONS TO FORECLOSE ON RESIDENTIAL PROPERTY; NOTICE

(a) Service on Borrower and Record Owner by Personal Delivery

When an action to foreclose a lien on residential property is filed, the plaintiff shall serve on the borrower and the record owner a copy of all papers filed to commence the action, accompanied (1) by the documents required by Code, Real Property Article, § 7-105.1 (h) and (2) if the action to foreclose is based on a certificate of vacancy or a certificate of property unfit for human habitation issued pursuant to Code, Real Property Article, § ~~7-105.11~~ 7-105.13, by a copy of the certificate and a description of the procedure to challenge the certificate. Except as otherwise provided by section (b) of this Rule, service shall be by personal delivery of the papers or by leaving the papers with a resident of suitable age and discretion at the dwelling house or usual place of abode of each person served.

Cross reference: For the required form and sequence of documents, see Code, Real Property Article, § 7-105.1 (h)(1) and COMAR 09.03.12.01 et seq.

. . .

(c) Notice to All Occupants by First-Class Mail

When an action to foreclose on residential property is filed, the plaintiff shall send by first-class mail addressed to "All Occupants" at the address of the property the notice required by Code, Real Property Article, § ~~7-105.9~~ 7-105.11 (b).

(d) If Notice Required by Local Law

When an action to foreclose on residential property is filed with respect to a property located within a county or a municipal corporation that, under the authority of Code, Real Property Article, ~~former~~ § ~~14-126~~ 7-105.3 (c), has enacted a local law that was in effect as of October 1, 2012 requiring notice of the commencement of a foreclosure action, the plaintiff shall give the notice in the form and manner required by the local law. If the local law does not provide for the manner of giving notice, the notice shall be sent by first-class mail.

. . .

Source: This Rule is derived in part from the 2008 version of former Rule 14-204 (b) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-210 by updating the statutory reference in section (b), as follows:

Rule 14-210. NOTICE PRIOR TO SALE

. . .

(b) By Certified and First-class Mail

Before selling the property subject to the lien, the individual authorized to make the sale shall also send notice of the time, place, and terms of sale (1) by certified mail and by first-class mail to (A) the borrower, (B) the record owner of the property, (C) the holder of any subordinate interest in the property subject to the lien, and (D) a condominium or homeowners association that, at least 30 days before the date of the proposed sale, has recorded a statement of lien against the property under the Maryland Contract Lien Act and (2) by first-class mail to "All Occupants" at the address of the property. The notice to "All Occupants" shall be in the form and contain the information required by Code, Real Property Article, § ~~7-105.9~~ 7-105.11 (c). Except for the notice to "All Occupants," the mailings shall be sent to the last known address of all such

persons, including to the last address reasonably ascertainable from a document recorded, indexed, and available for public inspection 30 days before the date of the sale. The mailings shall be sent not more than 30 days and not less than ten days before the date of the sale.

. . .

Source: This Rule is derived in part from the 2008 version of former Rule 14-206 (b) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 200 - FORECLOSURE OF LIEN INSTRUMENTS

AMEND Rule 14-215 by updating statutory references and changing the name of the "Department of Labor, Licensing, and Regulation" to the "Commissioner of Financial Regulation" in the cross reference following section (c), as follows:

Rule 14-215. POST-SALE PROCEDURES

. . .

(c) Conveyance to Purchaser

(1) When Made

After the court has finally ratified a sale and the purchase money has been paid, the individual making the sale shall convey the property to the purchaser or the purchaser's assignee. If the conveyance is to the purchaser's assignee, the purchaser shall join in the deed.

(2) Under Power of Sale--When Vendor and Purchaser Are the Same

If the individual making a sale and the purchaser at a sale made pursuant to a power of sale are the same person, the court shall appoint in the order of ratification a trustee to convey the property to the purchaser after payment of the purchase money. The trustee need not furnish a bond unless the

court so provides in its order.

(3) To Substituted Purchaser

At any time after the sale and before a conveyance, the court, upon ex parte application and consent of the purchaser, substituted purchaser, and individual making the sale, may authorize the conveyance to be made to a substituted purchaser.

Cross reference: For a purchaser's obligation to notify the supervisor of assessments for the county in which the residential property is located of the ratification of the foreclosure sale, see Code, Real Property Article, § ~~7-105.12~~ 7-105.16. For requirements relating to registration by foreclosure purchasers with the Foreclosed Property Registry of the ~~Department of Labor, Licensing, and Regulation~~ Commissioner of Financial Regulation, see Code, Real Property Article, § ~~14-126.1~~ 7-105.14. For an alternate method to take possession of residential real property when the person claiming a right to possession of the property by the terms of a foreclosure sale or court order does not have a court-ordered writ of possession executed by a sheriff or constable, see Code, Real Property Article, § 7-113 ~~(e)(1)~~ (b)(2)(ii).

Source: This Rule is derived from the 2008 version of former Rule 14-207 (d), (e), and (f).

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

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MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-601, as follows:

Rule 14-601. APPLICABILITY

The Rules in this Chapter govern in rem foreclosure actions filed by a county or municipal corporation to satisfy delinquent taxes pursuant to Code, Tax-Property Article, §§ 14-873 - 14-876.

Source: This Rule is new.

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-602, as follows:

Rule 14-602. DEFINITIONS

In the Rules in this Chapter, the following definitions apply except as otherwise expressly provided or as necessary implication requires:

(a) Interested Party

“Interested Party” means

- (1) The person who last appears as owner of the real property on the collector’s tax roll,
- (2) A mortgagee of the property or an assignee of a mortgage of record,
- (3) A holder of a beneficial interest in a deed of trust recorded against the real property,
- (4) A taxing agency that has the authority to collect tax on the real property, or
- (5) Any person having an interest in the real property whose identity and address are (A) reasonably ascertainable from the county land records or (B) revealed by a full title search consisting of at least 50 years.

Cross reference: See Code, Tax-Property Article, § 14-873.

(b) Municipal Corporation

"Municipal Corporation" means an entity that is subject to Article XI-E of the Maryland Constitution.

Cross reference: See Code, Tax-Property Article, § 1-101.

(c) Real Property

"Real Property" means any land

(1) that consists of a vacant lot or improved property cited as vacant and unsafe or unfit for habitation or other authorized use on a housing or building violation notice, and

(2) on which the total amount of liens for unpaid taxes exceeds the lesser of the total value of the property as determined by (A) the State Department of Assessments and Taxation or (B) an appraisal report prepared by a State licensed real estate appraiser not more than six months prior to the filing of a complaint under Rule 14-604.

Cross reference: See Code, Tax-Property Article, § 14-874 (a).

(d) Tax

"Tax" means any tax or charge of any kind due to the State or any of its political subdivisions, or to any other taxing agency, that by law is a lien against the real property on which it is imposed or assessed. "Tax" includes interest, penalties, and service charges.

Cross reference: See Code, Tax-Property Article, § 14-801(d), and for the definition of "other taxing agency," see Code, Tax-Property Article, § 14-801(b).

Source: This Rule is new.

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-603, as follows:

Rule 14-603. VENUE

A complaint for in rem foreclosure shall be commenced in the circuit court for the county in which the real property is located.

Source: This Rule is new.

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-604, as follows:

Rule 14-604. IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS -
COMPLAINT

(a) Contents

In an in rem foreclosure, the complaint, in addition to complying with Rules 2-303 through 2-305, shall set forth

- (1) the identity of the county or municipal corporation seeking foreclosure, including its address;
- (2) a description of the real property as it appears in the county land records;
- (3) the tax identification number of the real property;
- (4) an averment that the taxes are at least six months delinquent at the time of filing;
- (5) the amount of taxes that are delinquent as of the date of filing;

Committee note: A complaint may be amended to include any taxes that become delinquent after commencement of the in rem foreclosure action. See Code, Tax-Property Article, § 14-875(f).

(6) the names and last known addresses of each interested party;

(7) an averment that the real property is either

(A) a vacant lot, or

(B) improved property cited as

(i) vacant and unsafe, or

(ii) unfit for human habitation or other authorized use;

(8) an averment that the value of the real property as determined in accordance with Code, Tax-Property Article, § 14-874(a) (2) is less than the total amount of liens for unpaid taxes;

(9) a request that the circuit court not schedule a hearing on the complaint until at least 30 days after the date the complaint is accepted for filing by the clerk; and

(10) a request for judgment

(A) foreclosing the existing interest of all interested parties in the real property and

(B) ordering the transfer of ownership of the real property to the county or municipal corporation.

Cross reference: See Code, Tax-Property Article, §§ 14-874(a), 14-875(e).

(b) Exhibits to be Filed

The complaint shall be accompanied by:

(1) a certificate of the collector showing the total amount of tax due with all penalties and interest;

Cross reference: See Code, Tax-Property Article, §§ 1-101(e) and 14-869 (b).

(2) a copy of a document establishing the value of the real property in compliance with Code, Tax-Property Article, § 14-874(a) (2); and

(3) if applicable, a copy of each violation notice pertaining to an averment in the complaint that is referenced in subsection (a) (7) (B) of this Rule.

Cross reference: See Code, Tax-Property Article, § 14-875(e) (9).

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-605, as follows:

Rule 14-605. PROCESS

Within five days after the complaint is accepted by the clerk for filing, the county or municipal corporation shall (a) in compliance with Rule 2-122 (a) (3), cause notice to be posted in a conspicuous place on the real property subject to the in rem foreclosure that at a minimum sets forth (1) the name of the court in which the in rem foreclosure action has been filed and the case number of the action, (2) that the property is subject to an action seeking foreclosure, and (3) that further information about the foreclosure action may be obtained from the clerk's office, and (b) send notice and a copy of the complaint to each interested party by first-class mail and certified mail, postage prepaid, return receipt requested, bearing a postmark from the United States Postal Service.

Cross reference: See Code, Tax-Property Article, § 14-875(d) (2).

Source: This Rule is new.

MARYLAND RULE OF PROCEDURE

TITLE 14 - SALES OF PROPERTY

CHAPTER 600 - IN REM FORECLOSURE OF LOCAL GOVERNMENT TAX LIENS

ADD new Rule 14-606, as follows:

Rule 14-606. HEARING

(a) Timing

The circuit court shall schedule a hearing no earlier than 30 days after the date the complaint is accepted for filing by the clerk.

Cross reference: Code, Tax-Property Article, § 14-876.

(b) Right to Cure

Until a judgment foreclosing the tax lien is entered in favor of the county or municipal corporation, any interested party may cure the tax lien by paying all past due taxes, including penalties and interest.

Cross reference: See Code, Tax-Property Article, § 14-804 (unpaid taxes on real property are tax liens) and Code, Tax-Property Article, § 14-875(g).

(c) Conduct of Hearing

Any interested party shall have the right to be heard, to contest the delinquency of the taxes, and to contest the adequacy of the proceedings.

Cross reference: See Code, Tax-Property Article, § 14-876(b).

(d) Finding

If the court finds by a preponderance of the evidence that (1) notice has been provided to all interested parties pursuant to Rule 14-605 and (2) the information set forth in the complaint is accurate and in compliance with Rule 14-604, the court shall enter a judgment in favor of the county or municipal corporation.

Cross reference: See Code, Tax-Property Article, § 14-876(c).

(e) Judgment

The judgment shall:

(1) state that notice has been provided to all interested parties;

(2) state that the real property is a vacant lot or an improved property cited as vacant and unsafe or unfit for human habitation or other authorized use and that the value of the real property is shown to be less than the amount of the unpaid taxes; and

(3) order that ownership of the real property be transferred to the county or municipal corporation on behalf of which the complaint was filed.

Cross reference: See Code, Tax-Property Article, §§ 14-876(c) (1)-(2).

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 16 - COURT ADMINISTRATION

CHAPTER 700 - MISCELLANEOUS JUDICIAL UNITS

DELETE Rule 16-703 in its entirety, as follows:

~~Rule 16-703. MARYLAND PROFESSIONALISM CENTER~~

~~(a) Existence~~

~~There is a Maryland Professionalism Center, which exists as a unit of the Maryland Judiciary.~~

~~(b) General Purposes and Mission~~

~~The general purposes and mission of the Maryland Professionalism Center are:~~

~~(1) to implement the professionalism policies adopted by the Court of Appeals;~~

~~(2) to examine ways of promoting professionalism among Maryland judges, judicial appointees and personnel, and attorneys and to encourage them to exercise the highest level of professional integrity in their relationship with each other, the courts, and the public and fulfill their obligations to improve the law and the legal system; and~~

~~(3) to help ensure that the practice of law remains a high calling focused on serving clients, promoting the proper administration of justice, and furthering the public good.~~

~~—(c) Duties~~

~~To carry out its purposes, the Maryland Professionalism Center shall:~~

~~—(1) develop and refine mechanisms to advance professionalism as an important core value of the legal profession and the legal process;~~

~~—(2) design a professionalism website and gather and maintain on it information that will serve as a resource on professionalism for judges, judicial appointees and personnel, attorneys, and the public;~~

~~—(3) monitor professionalism efforts and developments in other states;~~

~~—(4) monitor and attempt to coordinate professionalism efforts by the various segments of the Maryland legal and judicial community--the Bar, the courts, the law schools, and attorneys and law firms--with particular emphasis on professionalism training in the law schools;~~

~~—(5) monitor the efforts of the Maryland State Bar Association and other bar associations in the State in carrying out the mandate of the Court of Appeals with respect to the advancement of professionalism;~~

~~—(6) publicly acknowledge judges, judicial appointees and personnel, and attorneys for particularly commendable acts of professionalism;~~

~~— (7) administer the New Bar Admittees' Mentoring Program; and~~

~~— (8) recognize the efforts of attorneys engaged in the Mentoring Program.~~

~~— (d) Board of Directors~~

~~— (1) Membership~~

~~The Maryland Professionalism Center shall be governed by a Board of Directors, to consist of (A) a judge of the Court of Appeals, who shall serve as Chair; (B) a judge of the Court of Special Appeals; (C) a judge of a circuit court; (D) a judge of the District Court; (E) the Dean of the University of Maryland School of Law, or the Dean's designee; (F) the Dean of the University of Baltimore School of Law, or the Dean's designee; and (G) seven practicing members of the Maryland Bar, one from each judicial circuit, giving due regard to ethnic, gender, and experiential diversity.~~

~~— (2) Appointment~~

~~The members of the Board shall be appointed by the Chief Judge of the Court of Appeals.~~

~~— (3) Terms~~

~~— (A) The judge of the Court of Appeals serves at the pleasure of the Chief Judge;~~

~~— (B) The term of the other judges shall be three years or during the incumbency of the individual as a judge of the court~~

~~upon which the individual was serving at the time of appointment, whichever is shorter.~~

~~—— (C) The term of the Deans' designees shall be three years or during the incumbency of the individual in the capacity in which the individual serves at the law school, whichever is shorter.~~

~~—— (D) The term of the other members shall be three years.~~

~~—— (E) Of the initial appointees, four shall be appointed for an initial term of three years, four shall be appointed for an initial term of two years, and four shall be appointed for an initial term of one year, in order that the terms shall remain staggered. At the end of a term, a member may continue to serve until a successor is appointed.~~

~~—— (F) With the approval of the Chief Judge, the Chair may remove a member prior to the expiration of the member's term and appoint from the same category of membership a successor for the remainder of the unexpired term.~~

~~—— (G) (i) Subject to subsection (d) (3) (G) (ii) of this Rule, a member may be reappointed.~~

~~(ii) The period of consecutive service by a member other than the Chair shall be not more than two consecutive terms, except that, if the member was appointed to fill the unexpired term of a former member, the period of consecutive~~

~~service also may include the remainder of the term of the former member.~~

~~—— (4) Secretary~~

~~The Chair shall appoint one of the members of the Board to serve as Secretary, at the pleasure of the Chair. The Secretary shall take minutes of the meetings of the Board and perform other duties related to the work of the Board as may be directed by the Chair.~~

~~—— (5) Compensation~~

~~The members of the Board shall serve without compensation but shall be reimbursed for expenses in connection with travel related to the work of the Center in accordance with the approved budget of the Center.~~

~~—— (6) Vice Chair; Committees~~

~~The Chair may appoint a Vice Chair and committees of the Board.~~

~~—— (7) Meetings~~

~~The Board shall meet at least twice each year, at the call of the Chair.~~

~~—— (8) Quorum~~

~~Seven members of the Board shall constitute a quorum for the transaction of business.~~

~~—— (9) Duties~~

~~The Chair, in collaboration with the Board, shall provide managerial oversight of the policies, programs, operations, and personnel of the Maryland Professionalism Center and prepare and transmit to the State Court Administrator and the Chief Judge of the Court of Appeals a proposed annual budget for the Center. Preparation of the budget and all procurement and personnel decisions shall be in conformance with standards and guidelines promulgated by the State Court Administrator.~~

~~Cross reference: See Rule 16-801 (b).~~

~~—(c) Personnel~~

~~—(1) Appointment~~

~~The Chair of the Board of Directors may appoint personnel for the Center as authorized in the approved budget of the Center.~~

~~—(2) Advisors~~

~~The Chair may invite persons to provide advice to and participate in the work of the Center. Unless funds are available in the approved budget of the Center for that purpose, service by those persons shall be without compensation.~~

~~—(f) Funding~~

~~Funding for the Center shall be solely as provided in the annual judicial budget, except that funds obtained by the Center from other sources prior to that date may be used as~~

~~authorized by the Board of Directors for the purposes and duties
of the Center set forth in this Rule.~~

~~Source: This Rule is derived from former Rule 16-407 (2016).~~

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 200 - MARYLAND CODE OF CONDUCT FOR JUDICIAL APPOINTEES

AMEND Rule 18-203.11 by adding new subsection (b) (2) to permit District Court Commissioners to engage in certain outside employment under certain circumstances and by making stylistic changes, as follows:

Rule 18-203.11. FINANCIAL, BUSINESS, OR REMUNERATIVE ACTIVITIES

(a) A judicial appointee may hold and manage investments of the judicial appointee and members of the judicial appointee's family.

(b) Except as permitted by Rule 18-203.7, a full-time judicial appointee shall not serve as an officer, director, manager, general partner, advisor, or employee of any business entity except that

(1) a judicial appointee may manage or participate in:

~~(1)~~ (A) a business closely held by the judicial appointee or members of the judicial appointee's family; or

~~(2)~~ (B) a business entity primarily engaged in investment of the financial resources of the judicial appointee or members of the judicial appointee's family; and

(2) a District Court Commissioner may serve as a part-time employee of a business entity if (A) upon full and accurate

disclosure by the Commissioner of the nature of the employment, including the time expected to be devoted to it and the expected compensation to be received, the employment is approved by the Chief Judge of the District Court; and (B) the employment is not in conflict with section (c) of this Rule. Approval of part-time employment pursuant to this subject may be revoked by the Chief Judge at any time for good cause.

(c) A judicial appointee shall not engage in financial activities permitted under sections (a) or (b) of this Rule if they will:

(1) interfere with the proper performance of the judicial appointee's official duties;

(2) lead to frequent disqualification of the judicial appointee;

(3) involve the judicial appointee in frequent transactions or continuing business relationships with attorneys or other persons likely to come before the appointing court; or

(4) result in violation of other provisions of this Code.

COMMENT

[1] Judicial appointees are generally permitted to engage in financial activities, including managing real estate and other investments for themselves or for members of their families. Participation in these activities, like participation in other extra-official activities, is subject to the requirements of this Code. For example, it would be improper for a judicial appointee to spend so much time on business activities that it interferes with the performance of the judicial appointee's

official duties. See Rule 18-202.1. Similarly, it would be improper for a judicial appointee to use his or her official title or conduct his or her business or financial affairs in such a way that disqualification is frequently required. See Rules 18-201.3 and 18-202.11.

[2] As soon as practicable without serious financial detriment, the judicial appointee must divest himself or herself of investments and other financial interests that might require frequent disqualification or otherwise violate this Rule.

Source: This Rule is derived from former Rule 3.11 of Rule 16-814 (2016).

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 5. FILING OF CHARGES; PROCEEDINGS BEFORE COMMISSION

AMEND Rule 18-437 by adding language to subsection (f) (1) (A) authorizing certain discipline to be imposed upon a judge, by adding to the required contents of an order of suspension a statement of the duration of the suspension and whether the suspension is subject to any conditions precedent to reinstatement, by substituting the word "compensation" for the word "pay" in subsection (f) (2), by adding a Committee note after subsection (f) (2), by providing that the procedures set forth in Rule 18-438 apply in monitoring compliance with any directives contained in an order of suspension, and by making stylistic changes; as follows:

Rule 18-437. PROCEEDINGS IN COURT OF APPEALS

(a) Expedited Consideration

Upon receiving the hearing record file pursuant to Rule 18-435, the Clerk of the Court of Appeals shall docket the case for expedited consideration.

(b) Exceptions

The judge may except to the findings, conclusions, or recommendation of the Commission by filing exceptions with the Court of Appeals within 30 days after service of the notice of filing of the record and in accordance with Rule 20-405. The exceptions shall set forth with particularity all errors allegedly committed by the Commission and the disposition sought. A copy of the exceptions shall be served on the Commission in accordance with Rules 1-321 and 1-323.

(c) Response

The Commission shall file a response within 15 days after service of the exceptions in accordance with Rule 20-405. The Commission shall be represented in the Court of Appeals by its Executive Secretary or such other attorney as the Commission may appoint. A copy of the response shall be served on the judge in accordance with Rules 1-321 and 1-323.

(d) Memoranda

If exceptions are timely filed, upon the filing of a response or, if no response is filed, upon the expiration of the time for filing it, the Court may set a schedule for filing memoranda in support of or in opposition to the exceptions and any response and shall set a date for a hearing.

(e) Hearing

The hearing on exceptions shall be conducted in accordance with Rule 8-522. If no exceptions are timely filed or if the

judge files with the Court a written waiver of the judge's right to a hearing, the Court may decide the matter without a hearing.

(f) Disposition

(1) The Court of Appeals may (A) impose the disposition recommended by the Commission or any other disposition permitted by law, including an order directing the judge to undergo specified evaluations, participate meaningfully in specified therapeutic, educational, or behavior modification programs, and to make a written apology to specified persons or groups of persons harmed by the judge's misconduct; (B) dismiss the proceeding; or (C) remand for further proceedings as specified in the order of remand.

(2) If the disposition includes a suspension of the judge from his or her judicial duties, the order imposing the suspension shall state the duration of the suspension, which may be indefinite or for a fixed period, and whether the suspension (A) is to be with or without ~~pay~~ compensation, (B) is to be served on consecutive dates, ~~and~~ (C) prohibits the judge from conducting any official business during the period of suspension and may establish parameters or conditions governing the judge's presence in any courthouse location, and (D) is subject to any conditions precedent to reinstatement.

Committee note: A judge who has been suspended from the performance of judicial duties does not cease to be a judge by reason of the suspension and remains subject to the Code of

Judicial Conduct. Any violation of the Code of Judicial Conduct during the period of suspension may subject the judge to additional charges.

Cross reference: For rights and privileges of the judge after disposition, see Md. Const., Art. IV, § 4B (b).

(g) Order

The decision shall be evidenced by an order of the Court of Appeals, which shall be certified under the seal of the Court by the Clerk. An opinion shall accompany the order or be filed at a later date. Unless the case is remanded to the Commission, the record shall be retained by the Clerk of the Court of Appeals.

(h) Compliance with Conditions

If, pursuant to subsection (f)(1) of this Rule, the Court directs the judge to take certain actions, whether as a condition to reinstatement following a suspension or otherwise, the procedures for monitoring compliance with those directives shall be as set forth in Rule 18-438.

~~(h)~~ (i) Confidentiality

All proceedings in the Court of Appeals related to charges of disability or impairment shall be confidential and remain under seal unless otherwise ordered by the Court of Appeals.

~~(i)~~ (j) Public Inspection

Subject to section (h) or any other shielding of confidential material by the Court of Appeals, the Court shall permit public inspection of the record filed with it.

Source: This Rule is derived in part from former Rule 18-408 (2018) and is in part new.

MARYLAND RULES OF PROCEDURE

TITLE 18 - JUDGES AND JUDICIAL APPOINTEES

CHAPTER 400 - JUDICIAL DISABILITIES AND DISCIPLINE

DIVISION 6. SPECIAL PROCEEDINGS

AMEND Rule 18-442, by changing the title of the Rule; by providing that, under certain circumstances, an order of interim suspension may be entered against a judge who has willfully failed to take remedial action ordered by the Court of Appeals; by adding a Committee note after section (b) concerning the payment of compensation to a judge during an interim suspension; by clarifying that administrative leave pursuant to section (c) is with compensation; by adding to section (c) certain circumstances under which a judge may be placed on administrative leave; by requiring written notice by the Commission before an order is entered under section (b) or (c); and by making stylistic changes, as follows:

Rule 18-442. INTERIM SUSPENSION; ~~OR ADMINISTRATIVE LEAVE UPON~~
~~INDICTMENT~~

(a) Definition

In this Rule, "serious crime" means a crime (A) that constitutes a felony, (B) that reflects adversely on the judge's honesty, trustworthiness, or fitness as a judge, or (C) as

determined by its statutory or common law elements, involves interference with the administration of justice, false swearing, misrepresentation, fraud, deceit, bribery, extortion, misappropriation, theft, or an attempt or conspiracy to commit such a crime.

(b) Interim Suspension

~~Upon notice by the Commission that a judge has been indicted for a serious crime and a recommendation by the Commission, the~~ The Court of Appeals may immediately place the a judge on interim suspension pending further order of the Court upon written notice by the Commission that (1) the judge has been indicted for a serious crime, or (2) as a result of a disciplinary proceeding or a finding of impairment, the judge was ordered by the Court to take certain remedial action or to refrain from certain action or conduct and, after a hearing or the opportunity for a hearing, the Commission found that the judge willfully violated that order. An order of interim suspension under this section does not preclude other proceedings or sanctions against the judge.

Committee note: An interim suspension under section (b) of this Rule may be with or without compensation, in whole or in part as directed by the Court of Appeals.

(c) Administrative Leave

The Court of Appeals may place a judge on interim administrative leave with compensation pending further order of

~~the Court~~ ~~Upon~~ upon written notice by the Commission that a (1)
after the filing of charges against the judge and a hearing or
the opportunity for a hearing, the Commission has found that (A)
the judge has a disability or is impaired and, at least
temporarily, is unable to perform properly the duties of
judicial office, or (B) the judge has committed sanctionable
conduct warranting a suspension or removal from office, or (2)
the judge has been charged by indictment or criminal information
with ~~either~~ criminal misconduct for which incarceration is a
permissible penalty and poses a substantial threat of serious
harm to the public, to any person, or to the administration of
justice, ~~the Court of Appeals may place the judge on interim~~
~~administrative leave pending further order of the Court.~~

(d) Reconsideration

A judge placed on interim suspension or administrative
leave may move for reconsideration.

Source: This Rule is new.

MARYLAND RULES OF PROCEDURE

TITLE 19 - ATTORNEYS

CHAPTER 200 - ADMISSION TO THE BAR

AMEND Rule 19-207 by requiring that a certain transcript be received by the Board prior to or contemporaneously with the filing of a Notice of Intent to Transfer a Qualifying UBE Score and by making stylistic changes, as follows:

Rule 19-207. NOTICE OF INTENT TO TRANSFER A QUALIFYING UBE SCORE

(a) Filing

Beginning on July 1, 2019, an applicant may file a Notice of Intent to Transfer a Qualifying UBE Score if the applicant:

(1) meets the pre-legal education requirements of Rule 19-201 (a) (1) to become admitted to the Maryland Bar,

(2) unless the requirements of Rule 19-201 (a) (2) have been waived pursuant to Rule 19-201 (b), meets the legal education requirements of Rule 19-201 (a) (2),

(3) contemporaneously files or has previously filed a completed character questionnaire pursuant to Rule 19-205 that has not been withdrawn pursuant to Rule 19-202 (b) or denied pursuant to Rule 19-204, and

(4) has achieved a qualifying UBE score in another UBE State.

The Notice of Intent shall be under oath, filed on the form prescribed by the Board, and accompanied by the prescribed fee.

(b) Verification of Legal Education

~~Prior to or contemporaneously with filing the Notice of Intent to Transfer a Qualifying UBE Score,~~ the The applicant shall cause ~~to be sent to~~ the Board to receive an official transcript that reflects the date of the award to the applicant of a qualifying law degree under Rule 19-201 (a) prior to or contemporaneously with filing the Notice of Intent to Transfer a Qualifying UBE Score, unless the official transcript already is on file with the Board or the applicant has received a waiver under Rule 19-201 (b).

Source: This Rule is new.