**PROCEDURE TO CHALLENGE A CERTIFICATE OF VACANCY OR A CERTIFICATE OF PROPERTY UNFIT FOR HUMAN HABITATION**

[Certificate of Vacancy or Certificate of Property Unfit for Human Habitation]

This Notice is Required by Maryland Law (Real Property Article, §7-105.13(f), Annotated Code of Maryland).

Foreclosure Action: A foreclosure action, called an order to docket or complaint to foreclose (the “OTD”), has been filed against you in Court. The OTD has been filed because you have missed one or more payments on your mortgage loan or you are otherwise in default on your mortgage loan.

**Certificate of Vacancy/Certificate of Property Unfit for Human Habitation:** The Secured Party or its representative (the entity that has filed the OTD) has received a Certificate of Vacancy or a Certificate of Property Unfit for Human Habitation (the “Certificate”) for your property from your county or municipal corporation, pursuant to Maryland Code, Real Property Article, § 7-105.13. If you are a record owner or an occupant of the property, you may challenge the Certificate by filing a motion in Court. If you choose not challenge the Certificate, or if your challenge is unsuccessful, the foreclosure will be expedited and certain protections will not apply because the Certificate excuses compliance with those requirements.

**Process to Challenge a Certificate:**  To challenge the Certificate, you must *promptly* file a motion in Court and you must serve a copy of this motion on the secured party. In your motion you should explain why you believe the Certificate is incorrect with respect to its finding that your property is either vacant or unfit for human habitation. Attached to this packet is a *template motion* that you may use if you wish to challenge the Certificate. If you need help completing this motion, please contact a housing counselor or attorney (see information below). The Motion may be filed by either the record owner of the property or by an occupant of the property. The record owner is the person named on the deed to the property as the owner. An occupant is anyone living in the property.

The following instructions must be followed when challenging the Certificate:

|  |
| --- |
| * A motion to challenge a Certificate shall (1) be in writing, (2) identify the property, (3) identify the record owner (which may be you), and (4) state the facts upon which the motion is based. * You must serve a copy of your motion on the entity or person that has filed the OTD or its attorney pursuant to Maryland Rule 1-321. Service on such entity, person or attorney shall be made by (1) physical delivery of a copy of your Motion, or (2) by mailing a copy of your Motion to the address most recently stated in a pleading or paper filed in Court, or if not stated, to the last known address. |

**Stay of the Foreclosure Action:** Upon the filing and service of a motion to challenge the Certificate, all proceedings in the foreclosure action shall be automatically stayed until further order of the Court.

**Secured Party’s Response to Your Motion:** Within 15 days after being served with a motion to challenge the Certificate, the Secured Party may file a written response to your motion. The Secured Party must serve a copy of the response and any supporting documents on you by first-class mail and must file proof of such service with the response. If a timely response is filed by the Secured Party, the Court will promptly rule on your motion.

**Court Ruling:** As a result of your motion to challenge the Certificate, the Court will either dismiss the foreclosure action or reject your challenge.

* ***Dismissal of Action*.** If a timely response is not filed by the Secured Party, or if the Court agrees with your challenge of the Certificate, the action will be dismissed. Note – the Secured Party is permitted to file a new foreclosure action but will be required to do so in compliance with the enhanced protections afforded to you under Maryland Code, Real Property Article, § 7-105.1.
* ***Rejection of Your Challenge*.** If the Court rejects your challenge of the Certificate, the stay on your foreclosure action will be lifted, and the foreclosure action may proceed.

**TO ACCESS FREE HOUSING COUNSELING SERVICES,**

**call THE MARYLAND HOMEOWNER ASSISTANCE HOTLINE**

**AT 1-877-462-7555 or visit** [**homeownerassistance.maryland.gov**](http://homeownerassistance.maryland.gov/)