



# The Foreclosure Process

Foreclosure is a legal process that permits a lender to sell your home if you don't make your payments on time. It is a very complicated process. Get help as early as possible from a number of housing and legal aid organizations.

## Frequently-used Terms

**Default:** When your mortgage payment is one day or more past the due date.

**Notice of Intent to Foreclose:** A notice the lender must send to you before filing any foreclosure papers with the court.

**Loss mitigation:** Ways you may avoid having the lender sell your home.

**Loss mitigation application:** A document that the lender must include with the Notice of Intent to Foreclose. The lender uses information on this form to determine if you are eligible for a loan modification or other solutions.

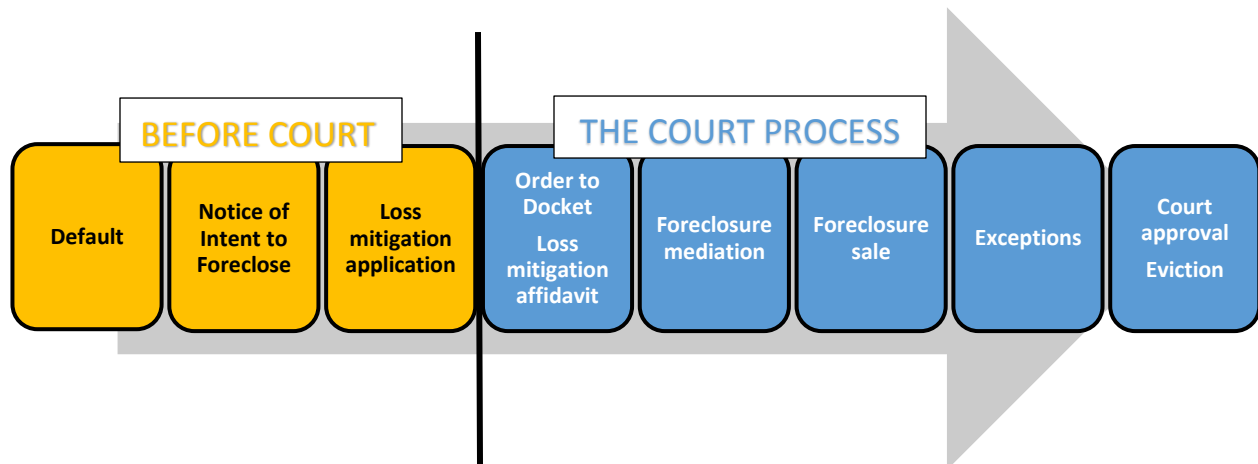
**Order to Docket:** A document the lender files with the court starting the legal foreclosure process. You will get a copy.

**Foreclosure mediation:** A meeting with a neutral third-party who helps you and the lender discuss options.

**Exceptions:** A limited, final opportunity for you to tell the court why your house should not be sold.

**Motion for Entry of Judgment Awarding Possession** and **Request for Writ of Possession:** Legal documents that allow a new owner to take possession of your house.

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### Before Court

- You will receive a *Notice of Intent to Foreclose* and a *loss mitigation application* in the mail.
- Get free help immediately by contacting [Maryland HOPE at 877-462-7555](tel:877-462-7555) or [mdhope.dhcd.maryland.gov](http://mdhope.dhcd.maryland.gov).
- Complete the *loss mitigation application* and return it as soon as possible. Attach paystubs and tax returns. Explain why you are in default. Keep copies and make a note of the date you return it.
- Types of *loss mitigation*:
  - Cash for keys: You agree to move out in exchange for money.
  - Short sale: The bank allows you to sell your home for less than you owe.
  - Loan modification: Changes to the terms of your loan so you can keep your home.
  - Deed in lieu of foreclosure: You agree to give the house back to the bank. In exchange, the bank will forgive the debt that you owe.
- The lender may file foreclosure papers with the court as soon as 45 days after sending the notice.

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- You will receive a copy of the *Order to Docket* in the mail. The lender will include either a preliminary or a final *loss mitigation affidavit*. The affidavit will tell you why you are or are not eligible for a loan modification.
- You have 15 days to file a preliminary motion to dismiss. (See MD Rules, Rule 3-322.)
- You have 25 days from getting the *Order to Docket* to file a request for mediation. See the video [Foreclosure Mediation](#).

- If you do not reach an agreement in mediation, the lender can schedule your house for foreclosure sale as early as 15 days after mediation.

## Foreclosure Sale

- You must receive notice of a foreclosure sale at least 10 days before the sale date.
- The sale takes place on the courthouse steps, not at your home. You do not have to move until the court awards legal possession of the house to a new owner.
- Challenge the sale of your home by filing *exceptions* with the court within 30 days of the sale. *Exceptions* are limited to problems in how the home was sold. If you would like to consider *exceptions*, talk to a lawyer.
- The court must approve the sale.
- The purchaser must file a *Motion for Entry of Judgment Awarding Possession*. If the court grants the motion, the purchaser will take legal possession of the house. The new owner must also file a *Request for Writ of Possession* and send you an eviction notice. Once all the documents are filed, a sheriff will schedule a time for eviction.

## Resources

Civil Justice, Inc.....	410-706-5649
Community Legal Services of Prince George’s County.....	240-391-6413
Maryland Legal Aid .....	888-213-3320
Maryland Volunteer Lawyers Service.....	443-451-4067 or 800-510-0050
Public Justice Center (tenants renting foreclosed homes) .....	410-625-9409
Pro Bono Resource Center of Maryland .....	800-396-1274, ext. 3052
St. Ambrose Housing Aid Center.....	410-366-8550
Home Affordability Modification Program (HAMP) .....	866-939-4469

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