

TITLE 2: NATURAL RESOURCES
DIVISION 4: LAND RESOURCES

§ 4536. Cure of Default; Payment of Arrearages; Costs and Fees: Effect Upon Acceleration.

(a) Whenever there has been a failure by the mortgagor to pay obligations in accordance with the terms of a mortgage, including circumstances where all or a portion of the principal sum secured by the mortgage has, prior to the fixed maturity date become due or been declared due by reason of the mortgagor's default, the mortgagor or his or her successor in interest in the mortgaged property or any part thereof, or any other person having a subordinate lien or encumbrance in it may at any time prior to the foreclosure sale, pay to the mortgagee or successor in interest, the entire amount then due under the terms of the mortgage other than such portion of principal as would not then be due had no default occurred, and reasonable attorneys's fees actually incurred.

(b) If the complaint for foreclosure has not yet been filed, then the attorney's fees shall not exceed \$300, or one-half of one percent of the entire unpaid principal sum secured, whichever is greater.

(c) The payment pursuant to subsection (a) of this section shall cure the default, and all proceedings previously instituted shall be dismissed or discontinued. The obligations and mortgage shall then be reinstated and remain in full force and effect as if no default occurred; provided, however, that such payment shall not prevent a valid acceleration of the principal due if a previous valid acceleration of principal caused by a prior default of the mortgagor, which resulted in a filing of complaint in foreclosure, by a mortgagee, had been canceled by virtue of a payment made pursuant to the terms of this section.

Source: DL 4-143, § 24.