

IN THE CIRCUIT COURT FOR CARROLL COUNTY, MARYLAND

ADMINISTRATIVE ORDER REGARDING COMMISSIONS

WHEREAS, on January 11, 2008, the court entered an Amended Administrative Order to update its written policy and address the issues related to foreclosure and judicial sales relative to the compensation of trustees, fiduciaries, and auctioneers; and

WHEREAS, the court has determined that the Amended Administrative Order of January 11, 2008, should be revised to distinguish issues that arise in foreclosure cases and judicial cases.

IT IS, THEREFORE, this 17th day of July, 2015, by the Circuit Court for Carroll County, Maryland

ORDERED, that the compensation for trustees, fiduciaries, or auctioneers shall be governed by the following policy:

a. GENERALLY. Subject to the court's authority to increase or decrease compensation as provided in Paragraph c. below, in all actions of foreclosure of real, leasehold, or tangible personal property under a mortgage, deed of trust, security agreement, or other instrument, the trustee's commission shall be allowed at the rate specified in the instrument under which the foreclosure action proceeded, but shall be no more than five percent (5%) of the gross sales price of the property sold. In the event the instrument does not specify the rate of the trustee's commission, the rate of commission shall be five percent (5%) of the gross sales price of the property sold.

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Subject to the court's authority to increase or decrease compensation as provided in Paragraph c. below, in all sales of real, leasehold, and tangible personal property made pursuant to an order of court or subject to ratification by the court, other than by way of foreclosure action, the following commission shall be allowed to the trustee or fiduciary, based on the sale price of the property:

10% on the first \$3,000.00
5% on the next \$50,000.00
3% on the next \$47,000.00
2% of the remaining sale price.

b. AUCTIONEER'S FEE. If the trustee or fiduciary engage the services of an auctioneer, Three Hundred Fifty Dollars (\$350.00) shall be the maximum fee payable from the proceeds of the sale. Any auctioneer's fee in excess of the Three Hundred Fifty Dollars (\$350.00) shall be charged against the compensation of the trustee or fiduciary.

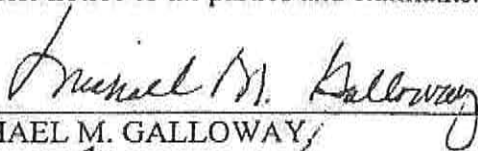
c. INCREASE OR DECREASE IN ALLOWANCE BY COURT. The above allowances may be increased by order of the court in a situation of *extraordinary* difficulty or where justice requires. In like manner, the above allowances may be diminished in the event of negligence or other default on the part of the trustee, fiduciary or auctioneer, or where justice requires.

d. INSTRUMENT PROVIDING FOR COUNSEL FEES. Where the instrument under which a sale is made provides for allowances of counsel fees, the amount thereof may be charged against the estate, against the compensation of the fiduciary, or divided between them as justice may require. In the absence

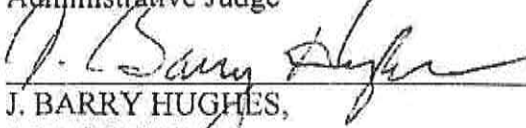
of extraordinary circumstances, all counsel fees, whether or not allowed by such instrument, shall be charged fully against the compensation of the fiduciary.

e. SALE OF INTANGIBLE PROPERTY. Where the sale consists of stocks, bonds, debentures, or other intangible property, the amount of compensation to the fiduciary shall be determined by the court in each case.

f. ADDITIONAL FEES. No trustee, fiduciary, or attorney authorized to make sale of property under any order or decree of the court or under a power in a mortgage, deed of trust, security agreement, or other instrument in which the sale is subject to ratification by the court, shall accept or receive, in addition to the fees and commissions allowed or allowable pursuant to this rule or by the terms of the instrument pursuant to which the sale is conducted, any fees, rebates, or commissions on account of expenses charged as costs in the case, including but not limited to auctioneer's fees, appraiser's fees, and advertising fees without approval of the court after notice to all parties and claimants.



MICHAEL M. GALLOWAY,
Administrative Judge



J. BARRY HUGHES,
Associate Judge



THOMAS F. STANFIELD,
Associate Judge



FRED S. HECKER,
Associate Judge