PREPAYMENT OF THE UNPAID PRINCIPAL BALANCE OF THE LOAN, EXCEPT THAT IF THE LOAN IS SECURED BY A HOME, BY A COMBINATION OF HOME AND BUSINESS PROPERTY, OR BY AGRICULTURAL PROPERTY, OR IF THE LOAN IS A COMMERCIAL LOAN NOT IN EXCESS OF $5,000, THE CHARGE OR PENALTY:

(i) MAY BE IMPOSED ONLY ON PREPAYMENTS MADE WITHIN THREE YEARS FROM THE DATE THE LOAN IS MADE; AND

(ii) [[THE CHARGE OR PENALTY]] MAY NOT EXCEED AN AMOUNT EQUAL TO TWO MONTHS' ADVANCE INTEREST ON THE AGGREGATE AMOUNT OF ALL PREPAYMENTS MADE IN ANY 12-MONTH PERIOD IN EXCESS OF ONE-THIRD OF THE AMOUNT OF THE ORIGINAL LOAN.

REVISOR'S NOTE: This subsection is new language derived without substantive change from Art. 49, §1(b)(1), (2), (4), and (5).

With respect to paragraph (1) of this subsection, "commercial loan" is defined in §12-101 of this subtitle.

In paragraph (2) of this subsection, the technically more correct term "investment securities" is substituted for "securities." In this regard, see Title 8 of this article.

In paragraph (4) of this subsection, the phrase "not in excess of $5,000" is substituted for "under $5,000." Sec. 12-103 (e) generally exempts commercial loans "in excess of $5,000" from the provisions of this subtitle; a change, therefore, is required here to avoid an unintended gap with respect to a loan which is exactly $5,000. Reference to a charge provided for in the "original contract" is deleted as unnecessary in light of the introdutory language of this subsection; and the anomolous reference to "original mortgage" is corrected to refer to "original loan."

(C) ACTUAL EXPENSES.

THE FOLLOWING CHARGES, IF ACTUAL EXPENSES OF THE LENDER, ALSO MAY BE COLLECTED AND, IF NOT RETAINED BY HIM, ARE NOT INTEREST UNDER THIS SUBTITLE:

(1) CHARGES BY THE LENDER'S ATTORNEY FOR SERVICE RENDERED IN CONNECTION WITH THE PREPARATION, CLOSING, OR DISBURSEMENT OF THE LOAN;

(2) CHARGES FOR THE PAYMENT OF ANY PROPERTY