

(2) ENFORCE THE REMAINDER OF THE RENTAL AGREEMENT OR PARK RULE WITHOUT THE UNCONSCIONABLE PROVISION; OR

(3) LIMIT THE APPLICATION OF ANY UNCONSCIONABLE PROVISION AS TO AVOID ANY UNCONSCIONABLE RESULT.

(E) IF THE EFFECT OF ANY PROVISION OF A RENTAL AGREEMENT IS TO INDEMNIFY THE PARK OWNER, HOLD HIM HARMLESS, OR PRECLUDE OR EXONERATE HIM FROM ANY LIABILITY TO A MOBILE HOME RESIDENT, OR TO ANY OTHER PERSON, FOR ANY INJURY, LOSS, DAMAGE, OR LIABILITY ARISING FROM ANY OMISSION, FAULT, NEGLIGENCE, OR OTHER MISCONDUCT OF THE PARK OWNER ON OR ABOUT THE LEASED PREMISES NOT WITHIN THE EXCLUSIVE CONTROL OF THE MOBILE HOME RESIDENT, THE PROVISION IS AGAINST PUBLIC POLICY AND VOID. AN INSURER MAY NOT CLAIM A RIGHT OF SUBROGATION BY REASON OF THE INVALIDITY OF THIS PROVISION.

SUBTITLE 16. NONPAYMENT OF RENT

8A-1601.

(A) IN AN ACTION BY THE PARK OWNER FOR EVICTION BASED ON NONPAYMENT OF RENT OR FOR RECOVERY OF UNPAID RENT, THE RESIDENT MAY RAISE:

(1) A DEFENSE OF MATERIAL NONCOMPLIANCE WITH THE TITLE IF, BEFORE THE DUE DATE OF RENT, THE RESIDENT GAVE TO THE PARK OWNER WRITTEN NOTICE THAT BASED ON THE NONCOMPLIANCE THE RESIDENT DID NOT INTEND TO PAY RENT AND SPECIFIED IN DETAIL THE PROVISION OF NONCOMPLIANCE; OR

(2) RAISE ANY OTHER LEGAL OR EQUITABLE DEFENSE.

(B) IF, IN AN ACTION BY THE PARK OWNER FOR EVICTION BASED ON NONPAYMENT OF RENT, THE RESIDENT RAISES A DEFENSE OTHER THAN PAYMENT, THE RESIDENT MAY PETITION THE CIRCUIT COURT FOR THE APPOINTMENT OF A TRUSTEE TO RECEIVE THE RENT OF THE RESIDENT, APPLY THE SAME TO CORRECTING THE DEFICIENCY COMPLAINED OF AND MAKE A FULL ACCOUNTING THEREOF TO THE COURT. THE COURT SHALL GIVE THE PARTIES A REASONABLE OPPORTUNITY TO PRESENT EVIDENCE AS TO THE CONTROVERSY BEFORE A TRUSTEE IS APPOINTED.

SUBTITLE 17. PARK OWNER'S REPOSSESSION REMEDIES

8A-1701.

(A) WHENEVER THE RESIDENT UNDER ANY RENTAL AGREEMENT, EXPRESS OR IMPLIED, VERBAL OR WRITTEN, SHALL FAIL TO PAY THE RENT WHEN DUE AND PAYABLE, IT SHALL BE LAWFUL FOR THE PARK OWNER TO HAVE AGAIN AND REPOSSESS THE PREMISES SO RENTED.

(B) WHENEVER ANY PARK OWNER SHALL DESIRE TO REPOSSESS ANY PREMISES TO WHICH HE IS ENTITLED, HE OR HIS DULY QUALIFIED AGENT OR ATTORNEY, SHALL MAKE HIS WRITTEN