

(C) (1) ACCEPTANCE OF ~~RENT~~ ANY PAYMENT AFTER NOTICE BUT BEFORE EVICTION SHALL NOT OPERATE AS A WAIVER OF ANY NOTICE OF BREACH OF LEASE OR ANY JUDGMENT FOR POSSESSION UNLESS THE PARTIES SPECIFICALLY OTHERWISE AGREE IN WRITING.

(2) ANY ~~RENT~~ PAYMENT ACCEPTED SHALL BE FIRST APPLIED TO THE RENT OR THE EQUIVALENT OF RENT APPORTIONED TO THE DATE THAT THE LANDLORD ACTUALLY RECOVERS POSSESSION OF THE PREMISES, THEN TO COURT COSTS, INCLUDING COURT AWARDED DAMAGES AND LEGAL FEES AND THEN TO ANY LOSS OF RENT CAUSED BY THE BREACH OF LEASE.

(3) ANY PAYMENT WHICH IS ACCEPTED IN EXCESS OF THE RENT REFERRED TO IN PARAGRAPH (2) OF THIS SUBSECTION SHALL NOT BEAR INTEREST BUT WILL BE RETURNED TO THE TENANT IN THE SAME MANNER AS SECURITY DEPOSITS AS DEFINED UNDER § 8-203 OF THIS TITLE BUT SHALL NOT BE SUBJECT TO THE PENALTIES OF THAT SECTION.

8-402.3.

(A) IN THIS SUBTITLE, "WRONGFUL DETAINER" MEANS TO HOLD POSSESSION OF A PROPERTY WITHOUT THE RIGHT OF POSSESSION.

(B) A PERSON MAY NOT HOLD POSSESSION OF PROPERTY UNLESS THE PERSON IS ENTITLED TO POSSESSION OF THE PROPERTY UNDER THE LAW.

(C) (1) IF A PERSON OTHER THAN A TENANT HOLDING OVER VIOLATES SUBSECTION (B) OF THIS SECTION, A PERSON CLAIMING POSSESSION MAY MAKE COMPLAINT IN WRITING TO THE DISTRICT COURT OF THE COUNTY IN WHICH THE PROPERTY IS LOCATED.

(2) ON RECEIPT OF A COMPLAINT UNDER PARAGRAPH (1) OF THIS SUBSECTION, THE COURT SHALL SUMMONS IMMEDIATELY THE PERSON IN POSSESSION TO APPEAR BEFORE THE COURT ON THE DAY SPECIFIED IN THE SUMMONS TO SHOW CAUSE, IF ANY, WHY RESTITUTION OF THE POSSESSION OF THE PROPERTY TO THE PERSON FILING THE COMPLAINT SHOULD NOT BE MADE.

(3) IF, FOR ANY REASON, THE PERSON IN ACTUAL POSSESSION CANNOT BE FOUND, THE PERSON AUTHORIZED TO SERVE PROCESS BY THE MARYLAND RULES SHALL AFFIX AN ATTESTED COPY OF THE SUMMONS CONSPICUOUSLY ON THE PROPERTY.

(4) IF NOTICE OF THE SUMMONS IS SENT TO THE PERSON IN POSSESSION BY FIRST CLASS MAIL, THE AFFIXING OF THE SUMMONS IN ACCORDANCE WITH PARAGRAPH (3) OF THIS SUBSECTION SHALL CONSTITUTE SUFFICIENT SERVICE TO SUPPORT RESTITUTION OF POSSESSION.

(D) A COUNTERCLAIM OR CROSS-CLAIM MAY NOT BE FILED IN AN ACTION BROUGHT UNDER THIS SECTION.

(E) (1) IF THE ~~DISTRICT~~ COURT DETERMINES THAT THE COMPLAINANT IS LEGALLY ENTITLED TO POSSESSION, THE ~~DISTRICT~~ COURT SHALL: