

- (ii) The documents evidencing the plan specifically enumerate any such fees;
- (iii) The borrower agrees in writing to pay those fees; and
- (iv) The fees are disclosed to the borrower in accordance with the federal Truth in Lending Act.

~~12-915.~~

~~(a) A credit grantor making a loan or extension of credit under this subtitle is subject to the licensing, investigatory, enforcement and penalty provisions of Title 11, Subtitle 3 of the Financial Institutions Article unless the credit grantor or the loan or extension of credit is exempt under Title 11, Subtitle 3 of the Financial Institutions Article.~~

~~(b) [In addition to any license which may be required by] NOTWITHSTANDING subsection (a) of this section, a credit grantor making [a loan or extension of credit] ONLY LOANS OR EXTENSIONS OF CREDIT under this subtitle secured by any lien on residential real property is subject to the licensing, investigatory, enforcement and penalty provisions of Title 11, Subtitle 5 of the Financial Institutions Article unless the credit grantor or the loan or extension of credit is exempt under Title 11, Subtitle 5 of the Financial Institutions Article.~~

~~(c) If a license is required by this section, it shall be issued by the Commissioner of Financial Regulation.~~

~~(d) (1) An extension of credit made under this subtitle prior to October 1, 1994 by a home improvement contractor may not be deemed unenforceable or violative of this section because the contractor was not licensed under Title 11, Subtitle 3 of the Financial Institutions Article.~~

~~(2) Paragraph (1) of this subsection does not apply to any person engaged in the business of making loans at the time the credit was extended.~~

~~12-1005.~~

In addition to interest at a periodic percentage rate or rates permitted by §§ 12-1003 and 12-1004 of this subtitle, a credit grantor may charge and collect:

(a) (1) Subject to the limitations in this section, loan fees, points, finder's fees, and other charges; however, all such charges, WHEN COMBINED WITH ANY FINDER'S FEE IMPOSED BY A MORTGAGE BROKER UNDER § 12-804 OF THIS TITLE, may not exceed [2] 10 percent of the original extension of credit;

(2) In the case of a loan to a consumer borrower, no loan fees, points, finder's fees, or other charges may be charged and collected unless:

(i) The agreement, note, or other evidence of the loan so provides and the borrower agrees in writing to pay those charges;

(ii) The loan is secured by a lien on residential real property; however, all such charges, WHEN COMBINED WITH ANY FINDER'S FEE IMPOSED BY A