

HB 385 - AS INTRODUCED

2017 SESSION

17-0233

08/03

HOUSE BILL **385**

AN ACT relative to notice for foreclosures.

SPONSORS: Rep. Murray, Rock. 24; Rep. Pantelakos, Rock. 25; Sen. Fuller Clark, Dist 21

COMMITTEE: Commerce and Consumer Affairs

ANALYSIS

This bill requires receipt of a foreclosure notice to be acknowledged.

Explanation: Matter added to current law appears in ***bold italics***.
 Matter removed from current law appears ~~[in brackets and struck through.]~~
 Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Seventeen

AN ACT relative to notice for foreclosures.

Be it Enacted by the Senate and House of Representatives in General Court convened:

1 1 Notice of Foreclosure. Amend RSA 479:25, II(a) to read as follows:

2 (a) A copy of said notice shall be served upon the mortgagor or sent by registered or
3 certified mail ***with a receipt acknowledged notice returned to the mortgagee*** to ~~[his or her]~~
4 ***the mortgagor's*** last known address or to such person as may be agreed upon in the mortgage at
5 least 25 days before the sale, or in the case of a residential mortgage, at least 45 days before the
6 sale. The term "mortgagor" shall include the mortgagor and any grantee, assignee, devisee, or heir
7 of the mortgagor holding a recorded interest in the mortgaged premises subordinate to the lien of
8 the mortgage, provided that such interest is recorded at least 30 days, or in the case of a residential
9 mortgage, at least 50 days, before the date of the sale, in the registry of deeds for the county in
10 which the mortgaged premises are situated. In this paragraph, the term "residential mortgage"
11 means a mortgage on a dwelling, as defined in RSA 397-A:1, VI-c. Like notice shall be sent to any
12 person having a lien of record on the mortgaged premises not less than 21 days before the sale,
13 provided that the lien is recorded at least 30 days, or in the case of a residential mortgage, at least
14 50 days, before the date of the sale in the registry of deeds. Such notice of sale shall be sufficient if
15 it fully sets forth the date, time, and place of sale; the town, county, street or highway and street
16 number, if any, of the mortgaged premises; the date of the mortgage; the volume and page of the
17 recording of the mortgage; and the terms of the sale. Any mortgagor or record lienholder who
18 refuses to accept or claim mailed or served notice or who frustrates attempts by the mortgagee to
19 give notice of the sale by failing to give or leave a forwarding address or by other act or omission
20 shall be deemed to be notified of the sale, provided that such mortgagee shall have made a good
21 faith effort to provide such notice.

22 2 Effective Date. This act shall take effect 60 days after its passage.