

HB 301 – AS INTRODUCED

2013 SESSION

13-0580  
05/10

HOUSE BILL           **301**

AN ACT               relative to notice of sale in foreclosure proceedings.

SPONSORS:          Rep. Almy, Graf 13

COMMITTEE:       Commerce and Consumer Affairs

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ANALYSIS

This bill amends the content of the notice of sale required to initiate foreclosure proceedings.

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                          Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.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

AN ACT                   relative to notice of sale in foreclosure proceedings.

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

1           1 Notice of Sale. Amend RSA 479:25, II to read as follows:

2           II. A copy of said notice shall be served upon the mortgagor or sent by registered or certified  
3 mail to his last known address or to such person as may be agreed upon in the mortgage at least 25  
4 days before the sale. The term “mortgagor” shall include the mortgagor and any grantee, assignee,  
5 devisee or heir of the mortgagor holding a recorded interest in the mortgaged premises subordinate  
6 to the lien of the mortgage, provided that such interest is recorded, at least 30 days before the date of  
7 the sale, in the registry of deeds for the county in which the mortgaged premises are situated. Like  
8 notice shall be sent to any person having a lien of record on the mortgaged premises, provided that  
9 the lien is recorded at least 30 days before the date of the sale in the registry of deeds. The notice  
10 shall be sent not less than 21 days before the sale. Such notice of sale shall be sufficient if it fully  
11 sets forth the date, time, and place of sale; the town, county, street or highway and street number, if  
12 any, of the mortgaged premises; the date of the mortgage; the volume and page of the recording of  
13 the mortgage; and the terms of the sale. Any mortgagor or record lienholder who refuses to accept or  
14 claim mailed or served notice or who frustrates attempts by the mortgagee to give notice of the sale  
15 by failing to give or leave a forwarding address or by other act or omission shall be deemed to be  
16 notified of the sale, provided that such mortgagee shall have made a good faith effort to provide such  
17 notice. Notice of the sale as served on or mailed to the mortgagor shall include the following  
18 language:

19           “You are hereby notified that you have a right to petition the superior court for the county in which  
20 the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as the  
21 court may require, to enjoin the scheduled foreclosure sale.[?] Failure to institute such petition and  
22 complete service upon the foreclosing party, or his agent, conducting the sale prior to sale shall  
23 thereafter bar any action or right of action of the mortgagor based on the validity of the foreclosure.”

24           2 Effective Date. This act shall take effect 60 days after its passage.