

CHAPTER 177
SB 50 – FINAL VERSION

03/05/2015 0507s
3June2015... 1366h

2015 SESSION

15-0200
05/01

SENATE BILL **50**

AN ACT relative to the notice required prior to foreclosure of residential property.

SPONSORS: Sen. Pierce, Dist 5; Sen. Hosmer, Dist 7; Sen. Soucy, Dist 18; Sen. Lasky, Dist 13;
Sen. Fuller Clark, Dist 21; Sen. Feltes, Dist 15; Rep. Butler, Carr 7

COMMITTEE: Commerce

AMENDED ANALYSIS

This bill extends the notice required prior to foreclosure of residential property. The bill also requires a mortgage foreclosure notice to include contact information for the mortgagee and banking department.

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Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Fifteen

AN ACT relative to the notice required prior to foreclosure of residential property.

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

1 177:1 Sale Under the Power, Notice Required for Residential Mortgage. Amend RSA 479:25, II
2 to read as follows:

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

23 (b) *Notice of the sale as served on or mailed to the mortgagor shall include, for*
24 *owner-occupied dwellings of 4 or fewer dwelling units:*

25 (1) *The address of the mortgagee for service of process and the name of the*
26 *mortgagee’s agent for service of process; and*

27 (2) *Contact information for the New Hampshire banking department, along*
28 *with the statement: “For information on getting help with housing and foreclosure issues,*

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1 *please call the foreclosure information hotline at _____ (insert toll-free telephone*
2 *number). The hotline is a service of the New Hampshire banking department. There is no*
3 *charge for this call.” The banking department shall maintain a toll-free telephone number*
4 *for this purpose, which shall be disseminated and kept up-to-date through a bulletin on the*
5 *department’s website.*

6 (c) Notice of the sale as served on or mailed to the mortgagor shall ***also in all cases***
7 include the following language:

8 “You are hereby notified that you have a right to petition the superior court for the county in
9 which the mortgaged premises are situated, with service upon the mortgagee, and upon such bond as
10 the court may require, to enjoin the scheduled foreclosure sale.” Failure to institute such petition
11 and complete service upon the foreclosing party, or his ***or her*** agent, conducting the sale prior to sale
12 shall thereafter bar any action or right of action of the mortgagor based on the validity of the
13 foreclosure.

14 177:2 Effective Date. This act shall take effect January 1, 2016.

15

16 Approved: June 26, 2015

17 Effective Date: January 1, 2016