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Date: (Filing No. H-)

JUDICIARY

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**STATE OF MAINE
HOUSE OF REPRESENTATIVES
125TH LEGISLATURE
FIRST REGULAR SESSION**

COMMITTEE AMENDMENT “ ” to H.P. 128, L.D. 145, Bill, “An Act To Protect Homeowners Subject to Foreclosure by Requiring the Foreclosing Entity To Provide the Court with Original Documents”

Amend the bill by striking out the title and substituting the following:

'An Act To Clarify and Streamline Foreclosure Proceedings'

Amend the bill by striking out everything after the enacting clause and before the summary and inserting the following:

'Sec. 1. 14 MRSA §6321, as amended by PL 2009, c. 476, Pt. B, §5 and affected by §9, is further amended by adding after the 2nd paragraph 2 new paragraphs to read:

If, during the course of a foreclosure action in which the defendant has appeared, the defendant sends to the plaintiff a written request to be allowed to inspect and copy or photograph the original mortgage note, the plaintiff shall produce the original note together with all existing indorsements of the note in accordance with the following provisions. Within 30 days of the defendant's making of such a written request, the plaintiff shall send to the defendant a written response stating the date, time and place for the production of the original note. The date for production must be not more than 40 days after the making of the request for inspection or must be at such other time as the plaintiff and defendant may agree upon. The place for inspection must be, at the election of the plaintiff, the courthouse where the action is pending, the office of an attorney within the county in which the action is pending, an office of a banking institution or credit union within the county where the action is pending or such other place upon which the plaintiff and defendant agree. If the plaintiff fails to produce the original note in accordance with this section, the court shall, upon motion of the defendant supported by a proper affidavit, dismiss the foreclosure action without prejudice and award to the defendant reasonable attorney's fees incurred for the representation of the plaintiff in the action. If the defendant elects not to request dismissal of the action, the case proceeds but the court may not allow for the recovery by the plaintiff of any interest or late fees on the mortgage loan between the date required for production of the note pursuant to this section and the date on which the note is later produced for inspection.

COMMITTEE AMENDMENT

