

STATE OF MAINE

—
IN THE YEAR OF OUR LORD
TWO THOUSAND AND ELEVEN

—
H.P. 999 - L.D. 1360

An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6101, as amended by PL 1981, c. 429, §1, is further amended to read:

§6101. Attorney's fees

For the foreclosure of a mortgage by any method authorized by this chapter, if the mortgagee prevails, the mortgagee or the person claiming under ~~him~~ the mortgagee may charge a reasonable attorney's fee which ~~shall be~~ is a lien on the mortgaged estate, and ~~shall~~ must be included with the expense of publication, service and recording in making up the sum to be tendered by the mortgagor or the person claiming under ~~him~~ the mortgagor in order to be entitled to redeem, provided the sum has actually been paid in full or partial discharge of an attorney's fee. If the mortgagee does not prevail, or upon evidence that the action was not brought in good faith, the court may order the mortgagee to pay the mortgagor's reasonable court costs and attorney's fees incurred in defending against the foreclosure or any proceeding within the foreclosure action and deny in full or in part the award of attorney's fees and costs to the mortgagee. For purposes of this section, "does not prevail" does not mean a stipulation of dismissal entered into by the parties, an agreed-upon motion to dismiss without prejudice to facilitate settlement or successful mediation of the foreclosure action pursuant to section 6321-A.

In House of Representatives, 2011

Read twice and passed to be enacted.

..... Speaker

In Senate, 2011

Read twice and passed to be enacted.

..... President

Approved 2011

..... Governor