

SENATE No. 1778

The Commonwealth of Massachusetts

PRESENTED BY:

Michael W. Morrissey

To the Honorable Senate and House of Representatives of the Commonwealth of Massachusetts in General Court assembled:

The undersigned legislators and/or citizens respectfully petition for the passage of the accompanying bill:

An Act to require judicial foreclosure.

PETITION OF:

NAME:	DISTRICT/ADDRESS:
Michael W. Morrissey	Norfolk and Plymouth
Anthony D. Galluccio	Middlesex, Suffolk and Essex
Robert A. O'Leary	Cape and Islands
James B. Eldridge	Middlesex and Worcester
John A. Hart, Jr.	First Suffolk
Mark C. Montigny	Second Bristol and Plymouth
Patricia D. Jehlen	Second Middlesex
Denise Provost	27th Middlesex
Jennifer L. Flanagan	Worcester and Middlesex

[SIMILAR MATTER FILED IN PREVIOUS SESSION
SEE SENATE, NO. S02662 OF 2007-2008.]

The Commonwealth of Massachusetts

In the Year Two Thousand and Nine

AN ACT TO REQUIRE JUDICIAL FORECLOSURE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

- 1 SECTION 1. Chapter 244 is hereby amended by inserting after Section 1 the following section:—
- 2 SECTION 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-4 family
- 3 owner-occupied property located in the commonwealth can only be initiated by the filing of a
- 4 foreclosure complaint in the Superior Court for the county in which the property is located. A
- 5 residential mortgagor may raise any and all available claims and defenses to the foreclosure and
- 6 to the contract for the underlying mortgage loan, in law and in equity. The court shall have the
- 7 authority to modify the mortgage or grant any other appropriate relief. Mortgagors shall have a
- 8 right of redemption for six months after the entry of judgment.