

HOUSE No. 1729

The Commonwealth of Massachusetts

In the Year Two Thousand Nine

An Act to Amend the Foreclosure Statute 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
2 section:—

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