

**SENATE . . . . . No. 1613**

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**The Commonwealth of Massachusetts**

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**In the Year Two Thousand Nine**  
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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           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 or Housing Court for the county in which the property is  
5           located. A residential mortgagor may raise any and all available 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.