

**HOUSE . . . . . No. H503**



The Commonwealth of Massachusetts

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PRESENTED BY:

*Frank I. Smizik*

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*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 amend the foreclosure statute to require judicial foreclosure..*

\_\_\_\_\_  
PETITION OF:

NAME:	DISTRICT/ADDRESS:
<i>Frank I. Smizik</i>	<i>15th Norfolk</i>

**HOUSE . . . . . No. H503**

*[Pin Slip]*

[SIMILAR MATTER FILED IN PREVIOUS SESSION

SEE HOUSE, NO. 1729 OF 2009-2010.]

**The Commonwealth of Massachusetts**

—————  
**In the Year Two Thousand Eleven**  
—————

*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:*

SECTION 1. Chapter 244 is hereby amended by inserting after Section 1 the following section:—

Section 2: Foreclosure by Complaint: All foreclosures of residential mortgages on 1-4 family owner-occupied properties shall be initiated by the filing of a foreclosure complaint against the mortgagor in the superior court for the county in which the property is located. A defendant-residential mortgagor may raise all legal and equitable claims and defenses. The court shall have the authority to modify the mortgage or grant any other appropriate relief as to the mortgagor but nothing in this section shall affect the rights of tenants or other legal occupants residing in the property that is the subject of the complaint. The court may set aside a default judgment for good cause shown.