

HOUSE RESEARCH

Bill Summary

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Overview

This bill allows an owner of homestead real estate consisting of one to four residential units

Section

1 Postponement.

Subd. 1. Postponement by mortgagee. Makes no change. This existing provision allows the lender to postpone a foreclosure sale, which has always been allowed for any reason.

Subd. 2. Postponement by mortgagor or owner. Permits the borrower to postpone a foreclosure sale if the property is classified as homestead and has one to four dwelling units. Permits postponement of the sale to a date that is five months after the originally scheduled date of the sale. Reduces the post-sale redemption period by five months, to keep the total time involved the same. Describes in detail the procedure for postponing the sale, including how this postponement is dealt with for purposes of avoiding future real estate title problems.

Subd. 3. Affidavit form. Provides a form for the affidavit required in subdivision 2 as part of the process of getting the sale postponed. The affidavit recites that the borrower meets the requirements provided in this section for getting the sale postponed. An affidavit is a written statement signed under oath.

Effective date: Makes the bill effective one month after final enactment and apply to foreclosures scheduled to take place on or after that date.