

MAINE STATE LEGISLATURE

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EIGHTY - THIRD LEGISLATURE

Senate Document

No. 105

S. P. 300

In Senate, Feb. 17, 1927.

Referred to Committee on Legal Affairs and 500 copies ordered printed. Sent down for concurrence.

ROYDEN V. BROWN, Secretary.

Presented by Senator Morrison of Franklin.

STATE OF MAINE

IN THE YEAR OF OUR LORD ONE THOUSAND NINE HUNDRED AND TWENTY-SEVEN

AN ACT to Amend Section Five of Chapter Ninety-five of the Revised Statutes of Nineteen Hundred and Sixteen, in Relation to Mortgages of Real Estate.

Be it enacted by the People of the State of Maine, as follows:

Division one of section five of the chapter ninety-five of 2 the revised statutes of nineteen hundred and sixteen is 3 hereby amended by inserting after the word "foreclosure" 4 in the sixth line of said section, the following words: 'the 5 notice before publication shall be sworn to as true before 6 any officer authorized to administer oaths by the holder of 7 the mortgage claiming foreclosure thereof, or by the legal 8 representatives of said holder or his attorney duly author- 9 ized by letter of attorney recorded in the registry of deeds

10 where said mortgage is recorded;’ and after the word “and”
11 in the sixth line by adding the words ‘he shall;’ and after
12 the word “notice” in the sixth line, by adding the words
13 ‘together with the certificate or jurat of the officer,’ so that
14 said section when amended shall read as follows:

‘I. He may give public notice in a newspaper published
2 and printed in whole or in part in the county where the
3 premises are situated, if any, or if not, in the state paper,
4 three weeks successively, of his claim by mortgage on such
5 real estate, describing the premises intelligibly, and naming
6 the date of the mortgage, and that the condition in it is
7 broken, by reason whereof he claims a foreclosure, the no-
8 tice before publication shall be sworn to as true before any
9 officer authorized to administer oaths by the holder of the
10 mortgage claiming foreclosure thereof, or by the legal rep-
11 resentatives of said holder or his attorney duly authorized
12 by letter of attorney recorded in the registry of deeds where
13 said mortgage is recorded; and he shall cause a copy of
14 such printed notice, together with the certificate or jurat of
15 the officer, and the name and date of the newspaper in
16 which it was last published to be recorded in said registry
17 in which the mortgage deed is or by law ought to be record-
18 ed, within thirty days after such last publication.’

Subdivision II as amended by section two of chapter one
2 hundred ninety-two of the public laws of nineteen hundred
3 and seventeen is hereby amended by striking out all of said
4 subdivision II and inserting in lieu thereof, the following:

'II. He may cause an attested copy of such notice to be
2 served on the mortgagor, or mortgagors or in case of any
3 recorded transfer or transfers of the mortgaged property
4 since the giving of the mortgage, on the record holder or
5 holders of the title of the mortgaged property at the time
6 of the service of said notice, if he lives in the state, by the
7 sheriff of the county where the mortgagor or the record
8 holder of the title resides, or his deputy, by delivering it to
9 him in hand or leaving it at his last and usual place of abode ;
10 and cause the original notice and the sheriff's return there-
11 on to be recorded within thirty days after such service as
12 aforesaid; and in case different mortgagors or record hold-
13 ers reside in different counties, then service shall be made
14 of such notice as above provided by any sheriff or his deputy
15 upon the mortgagors or record holders residing in the same
16 county as such sheriff or deputy, and in all cases the cer-
17 tificate of the register of deeds is prima facie evidence of
18 the fact of such entry, notice, publication of foreclosure,
19 and of the sheriff's return.

All notices of foreclosures of mortgages of real estate al-
2 ready begun at the time this act takes effect, but neither
3 acknowledged nor sworn to, may be duly recorded in the
4 registry of deeds where the mortgage is recorded.'