

# MAINE STATE LEGISLATURE

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NEW DRAFT

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**EIGHTY-THIRD LEGISLATURE**

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**Senate Document**

**No. 372**

S. P. 637

In Senate, Apr. 8, 1927.

Reported by Senator Holmes from Committee on Legal Affairs and laid on table to be printed under joint rules.

ROYDEN V. BROWN, Secretary.

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**STATE OF MAINE**

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

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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.

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

Section 1. Division one of section five of the chapter  
2 ninety-five of the revised statutes of nineteen hundred and  
3 sixteen is hereby amended by inserting after the word "fore-  
4 closure" in the sixth line of said section, the following  
5 words: "the notice before publication shall be sworn to as  
6 true before any officer authorized to administer oaths by  
7 the holder of the mortgage claiming foreclosure thereof, or  
8 by the legal representatives of said holder or his attorney  
9 duly authorized by letter of attorney recorded in the regis-

10 try of deeds where said mortgage is recorded'; and after  
11 the word "and" in the sixth line by adding the words 'he  
12 shall' and after the word "notice" in the sixth line, by adding  
13 the words 'together with the certificate or jurat of the  
14 officer,' so that said section, when amended, shall read as  
15 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  
8 notice before publication shall be sworn to as true before  
9 publication shall be sworn to as true before any officer  
10 authorized to administer oaths by the holder of the mort-  
11 gage claiming foreclosure thereof, or by the legal repre-  
12 sentatives of said holder or his attorney duly authorized  
13 by letter of attorney recorded in the registry of deeds where  
14 said mortgage is recorded; and he shall cause a copy of  
15 such printed notice, together with the certificate or jurat  
16 of the officer, and the name and date of the newspaper in  
17 which it was last published to be recorded in said registry  
18 in which the mortgage deed is or by law ought to be re-  
19 corded, within thirty days after such last publication.'

Sect. 2. Subdivision II as amended by section two of  
2 chapter one hundred ninety-two of the public laws of nine-

3 teen hundred and seventeen is hereby amended by striking  
4 out all of said subdivision II and inserting in lieu thereof,  
5 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  
10 abode; and cause the original notice and the sheriff’s return  
11 thereon to be recorded within thirty days after such service  
12 as aforesaid; and in case different mortgagors or record  
13 holders reside in different counties, then service shall be  
14 made of such notice as above provided by any sheriff or his  
15 deputy upon the mortgagors or record holders residing in  
16 the same county as such sheriff or deputy, and in all cases  
17 the certificate of the register of deeds is prima facie evidence  
18 of the fact of such entry, notice, publication of foreclosure,  
19 and of the sheriff’s return.

Sect. 3. All notices of foreclosure of mortgages of real  
2 estate already begun at the time this act takes effect, but  
3 neither acknowledged nor sworn to, may be duly recorded  
4 in the registry of deeds where the mortgage is recorded;  
5 and all notices of foreclosure which have been heretofore

6 served by a sheriff or his deputy in compliance with the  
7 terms of said subdivision II as amended by said section two  
8 of chapter one hundred ninety-two of the public laws of  
9 nineteen hundred and seventeen are hereby validated as to  
10 their service.