

MAINE STATE LEGISLATURE

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ACTS AND RESOLVES

OF THE

SIXTY-THIRD LEGISLATURE

OF THE

STATE OF MAINE.

1887.

Published by the Secretary of State, agreeably to Resolves of June 28, 1820,
February 18, 1840, and March 16, 1842.

AUGUSTA:
SPRAGUE & SON, PRINTERS TO THE STATE.
1887.

PUBLIC LAWS
OF THE
STATE OF MAINE.

1887.

give bond as provided in section seventy-eight, chapter six of the revised statutes, if required; the whole expense whereof, shall be borne by the county.

CHAP. 129

—may appoint an agent for such purpose.

Approved March 16, 1887.

Chapter 129.

An Act relating to Attachment of Mortgagor's interest in property mortgaged to secure performance of collateral agreements.

Be it enacted by the Senate and House of Representatives in Legislature assembled, as follows;

SECT. 1. In all cases where a debtor has mortgaged real and personal estate to secure the performance of a collateral agreement or undertaking, other than the payment of money, and proceedings have been commenced to foreclose said mortgage for alleged breach of the conditions thereof, but the time of redemption has not expired, any person having any claim against the mortgagor and having attached said mortgagor's interest in said estate on said claim, may file a bill in equity in the supreme judicial court in the county where such agreement has to be performed, where the owner of such mortgage resides, or where the property mortgaged is situated, alleging such facts and praying for relief; and said court may examine into the facts and ascertain whether there has been a breach of the conditions of said mortgage, and if such is found to be the fact, may assess the damages arising therefrom, and may make such orders and decrees in the premises as will secure the rights of said mortgagee or his assignee, so far as the same can be reasonably accomplished, and enable the creditor; by fulfilling such requirements as the court may impose, to hold said property, or such right or interest as may remain therein by virtue of such attachment, for the satisfaction of his claim. Such claim may include possession of the property by the mortgagee, for such time as the court deems just and equitable. Pending such proceedings, the right of redemption shall not expire by any attempted foreclosure of such mortgage.

Claimant of mortgagor's interest, may file bill in equity to have facts determined and damages, if any, assessed by the court.

SECT. 2. This act shall take effect when approved.

Approved March 16, 1887.