

MAINE STATE LEGISLATURE

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LAWS
OF THE
STATE OF MAINE
AS PASSED BY THE

ONE HUNDRED AND TENTH LEGISLATURE

FIRST REGULAR SESSION
December 3, 1980 to June 19, 1981

AND AT THE

FIRST SPECIAL SESSION
August 3, 1981

**PUBLISHED BY THE DIRECTOR OF LEGISLATIVE RESEARCH IN
ACCORDANCE WITH MAINE REVISED STATUTES ANNOTATED, TITLE
3, SECTION 164, SUBSECTION 6.**

K.J. Printing Co.
Augusta, Maine
1981

PUBLIC LAWS
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1981

CHAPTER 429
H. P. 773 — L. D. 918

AN ACT to Amend the Law Relating to Foreclosure Proceedings by Civil Action.

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

Sec. 1. 14 MRSA § 6101, as amended by PL 1967, c. 424, § 1, is further amended to read:

§ 6101. Attorney's fees

For the foreclosure of a mortgage ~~by either method prescribed by section 6201, subsections 2 and 3, or by section 6203, or by sale under a power of sale in the mortgage by any method authorized by this chapter,~~ the mortgagee or the person claiming under him may charge a reasonable attorney's fee which shall be a lien on the mortgaged estate, and shall be included with the expense of publication, service and recording in making up the sum to be tendered by the mortgagor or the person claiming under him in order to be entitled to redeem, provided ~~said~~ the sum has actually been paid in full or partial discharge of an attorney's fee.

Sec. 2. 14 MRSA § 6321, first ¶, first sentence, as enacted by PL 1975, c. 552, § 5, is amended to read:

After breach of condition in ~~the~~ a mortgage of first priority, the mortgagee or any person claiming under him may proceed for the purpose of foreclosure by a civil action against all parties in interest in either the Superior Court or the District Court in the division wherein the mortgaged premises or any part thereof is located.

Sec. 3. 14 MRSA § 6321, as repealed and replaced by PL 1977, c. 564, § 69, is amended by adding at the end of the first paragraph a new paragraph to read:

After breach of condition of any mortgage other than one of the first priority, the mortgagee or any person claiming under him may proceed for the purpose of foreclosure by a civil action against all parties in interest, except for parties in interest having a superior priority to the foreclosing mortgagee, in either the Superior Court or the District Court in the division wherein the mortgaged premises or any part thereof is located. Parties in interest having a superior priority shall not be joined nor will their interests be affected by the proceedings, but the resulting sale under section 6323 shall be of the defendant or mortgagor's equity of redemption only. The plaintiff shall notify the priority parties in interest of the action by sending a copy of the complaint to the parties in interest by certified mail.