

Amendment No. (for drafter's use only)

CHAMBER ACTION

Senate

House

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1 Representative(s) Porth offered the following:

2  
3 **Amendment**

4 Remove line(s) 70-114 and insert:

5 (1) FINAL JUDGMENT SALE BY CLERK.--

6 (a) In the order or final judgment, the court shall direct  
7 the clerk to sell the property at public sale on a specified day  
8 that shall be not less than 20 days or more than 35 days after  
9 the date thereof, on terms and conditions specified in the order  
10 or judgment. A sale may be held more than 35 days after the date  
11 of final judgment or order if the plaintiff or plaintiff's  
12 attorney consents to such time. The final judgment shall contain  
13 the following statement in conspicuous type:

14  
15 IF THIS PROPERTY IS SOLD AT PUBLIC AUCTION, THERE MAY BE  
16 ADDITIONAL MONEY FROM THE SALE AFTER PAYMENT OF PERSONS WHO ARE  
17 ENTITLED TO BE PAID FROM THE SALE PROCEEDS PURSUANT TO THIS

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18 FINAL JUDGMENT.

19  
20 IF YOU ARE A SUBORDINATE LIENHOLDER CLAIMING A RIGHT TO FUNDS  
21 REMAINING AFTER THE SALE, YOU MUST FILE A CLAIM WITH THE CLERK  
22 NO LATER THAN 60 DAYS AFTER THE SALE. IF YOU FAIL TO FILE A  
23 CLAIM, YOU WILL NOT BE ENTITLED TO ANY REMAINING FUNDS.

24  
25 (b) If the property being foreclosed on has qualified for  
26 the homestead tax exemption in the most recent approved tax  
27 roll, the final judgment shall additionally contain the  
28 following statement in conspicuous type:

29  
30 IF YOU ARE THE PROPERTY OWNER, YOU MAY CLAIM THESE FUNDS  
31 YOURSELF. YOU ARE NOT REQUIRED TO HAVE A LAWYER OR ANY OTHER  
32 REPRESENTATION AND YOU DO NOT HAVE TO ASSIGN YOUR RIGHTS TO  
33 ANYONE ELSE IN ORDER FOR YOU TO CLAIM ANY MONEY TO WHICH YOU ARE  
34 ENTITLED. PLEASE CHECK WITH THE CLERK OF THE COURT, [INSERT  
35 INFORMATION FOR APPLICABLE COURT] WITHIN TEN (10) DAYS AFTER THE  
36 SALE TO SEE IF THERE IS ADDITIONAL MONEY FROM THE FORECLOSURE  
37 SALE THAT THE CLERK HAS IN THE REGISTRY OF THE COURT.

38  
39 IF YOU DECIDE TO SELL YOUR HOME OR HIRE SOMEONE TO HELP YOU  
40 CLAIM THE ADDITIONAL MONEY, YOU SHOULD READ VERY CAREFULLY ALL  
41 PAPERS YOU ARE REQUIRED TO SIGN, ASK SOMEONE ELSE, PREFERABLY AN  
42 ATTORNEY WHO IS NOT RELATED TO THE PERSON OFFERING TO HELP YOU,  
43 TO MAKE SURE THAT YOU UNDERSTAND WHAT YOU ARE SIGNING AND THAT  
44 YOU ARE NOT TRANSFERRING YOUR PROPERTY OR THE EQUITY IN YOUR  
45 PROPERTY WITHOUT THE PROPER INFORMATION. IF YOU CANNOT AFFORD TO  
46 PAY AN ATTORNEY, YOU MAY CONTACT (INSERT LOCAL OR NEAREST LEGAL

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47 AID OFFICE AND TELEPHONE PHONE NUMBER) TO SEE IF YOU QUALIFY  
48 FINANCIALLY FOR THEIR SERVICES. IF THEY CANNOT ASSIST YOU, THEY  
49 MAY BE ABLE TO REFER YOU TO A LOCAL BAR REFERRAL AGENCY OR  
50 SUGGEST OTHER OPTIONS. IF YOU CHOOSE TO CONTACT (NAME OF LOCAL  
51 OR NEAREST LEGAL AID OFFICE) FOR ASSISTANCE, YOU SHOULD DO SO AS  
52 SOON AS POSSIBLE AFTER RECEIPT OF THIS NOTICE.

53  
54 (c) A copy of the final judgment shall be furnished by the  
55 clerk by