



Bill No. CS for SB 1844

Barcode 550318

1 United States, and to the parcel owner subject to the demand  
 2 at the address of the parcel if the owner's address as  
 3 reflected in the records of the association is not the parcel  
 4 address. If the address reflected in the records is outside  
 5 the United States, then sending the notice to that address and  
 6 to the parcel address by first-class United States mail is  
 7 sufficient.

8       (5) The association may bring an action in its name to  
 9 foreclose a lien for unpaid assessments secured by a lien in  
 10 the same manner that a mortgage of real property is foreclosed  
 11 and may also bring an action to recover a money judgment for  
 12 the unpaid assessments without waiving any claim of lien. Such  
 13 action may not be brought until 45 days after the parcel owner  
 14 has been provided notice of the association's intent to  
 15 foreclose and collect the unpaid amount.

16       (a) The association may recover any reasonable  
 17 attorney's fees incurred in a lien foreclosure action or in an  
 18 action to recover a money judgment for the unpaid assessments.

19       (b) The association may purchase the parcel at the  
 20 foreclosure sale and hold, lease, mortgage, or convey the  
 21 parcel.

22       (6) If after service of a summons on a complaint to  
 23 foreclose a lien the parcel is not the subject of a mortgage  
 24 foreclosure or a notice of tax certificate sale, or the parcel  
 25 owner is not a debtor in bankruptcy proceedings, the parcel  
 26 owner may serve and file with the court a qualifying offer at  
 27 any time before the entry of a foreclosure judgment. For  
 28 purposes of this subsection, the term "qualifying offer" means  
 29 a written offer to pay all amounts secured by the lien of the  
 30 association plus interest accruing during the pendency of the  
 31 offer at the rate of interest provided in this section. The

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1 parcel owner may make only one qualifying offer during the  
2 pendency of a foreclosure action.

3 (a) The parcel owner shall deliver a copy of the filed  
4 qualifying offer to the association's attorney by hand  
5 delivery or by certified mail, return receipt requested.

6 (b) The parcel owner's filing of the qualifying offer  
7 with the court stays the foreclosure action for the period  
8 stated in the qualifying offer, which may not exceed 60 days,  
9 to permit the parcel owner to pay the qualifying offer to the  
10 association plus any interest accruing during the pendency of  
11 the offer.

12 (c) The qualifying offer of the parcel owner must be  
13 in writing, be signed by the owner of the parcel and the  
14 spouse of the owner if the spouse holds a homestead interest  
15 in the parcel, be acknowledged by a notary public, state the  
16 total amount due the association, state that the total amount  
17 due the association is secured by the lien of the association,  
18 state that the association is entitled to foreclose the lien  
19 and obtain a foreclosure judgment for the total amount due if  
20 the parcel owner breaches the qualifying offer, state that the  
21 parcel owner will not endanger the priority of the lien of the  
22 association or the amounts secured by the lien, and state the  
23 actual date or dates the association will receive the total  
24 amount due from the parcel owner. If the parcel owner makes a  
25 qualifying offer under this subsection, the association may  
26 not add the cost of any legal fees incurred by the association  
27 within the period of the stay other than costs acquired in  
28 defense of a mortgage foreclosure action concerning the  
29 parcel, a bankruptcy proceeding in which the parcel owner is a  
30 debtor, or in response to filings by a party other than the  
31 association in the lien foreclosure action of the association.

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1        (d) If the parcel owner breaches the qualifying offer,  
2 the stay shall be vacated and the association may proceed in  
3 its action to obtain a foreclosure judgment against the parcel  
4 and the parcel owners for the amount in the qualifying offer  
5 and any amounts accruing after the date of the qualifying  
6 offer.

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9 ===== T I T L E    A M E N D M E N T =====

10 And the title is amended as follows:

11            On page 1, line 24, through page 2, line 2..., delete  
12 those lines

13

14 and insert:

15            providing for the filing of a claim of lien for  
16            unpaid assessments; providing for the  
17            foreclosure of the lien; providing for notice  
18            to the owner; providing for a qualifying offer  
19            from the owner; providing an effective

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