

Amendment No.

CHAMBER ACTION

Senate

House

.

Representative Dorworth offered the following:

**Substitute Amendment to Amendment (495573) (with title amendment)**

Remove lines 810-1278 and insert:

PROCEDURE.—

(a) An action for actual damages for a material violation of this section may be brought by an obligor against the lienholder for the failure to follow the trustee foreclosure procedure contained in this section.

(b) Any trustee who intentionally violates the provisions of this section concerning the trustee foreclosure procedure commits a felony of the third degree, punishable as provided in s. 775.082, s. 775.083, or s. 775.084.

Section 10. Section 721.856, Florida Statutes, is created to read:

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17 721.856 Procedure for the trustee foreclosure of mortgage  
18 liens.-The provisions of this section establish a trustee  
19 foreclosure procedure for mortgage liens.

20 (1) APPOINTMENT OF TRUSTEE.-

21 (a) A trustee or a substitute trustee may be appointed by  
22 a lienholder at any time by recording a notice of appointment of  
23 trustee or notice of substitution of trustee in the official  
24 records of the county or counties in which the timeshare  
25 interest is located. A lienholder may appoint multiple trustees  
26 in a single appointment, and any appointed trustee may be used  
27 by the lienholder regarding the trustee foreclosure of any  
28 mortgage lien.

29 (b) A trustee shall use good faith, skill, care, and  
30 diligence in discharging all of the trustee duties under this  
31 section and shall deal honestly and fairly with all parties.

32 (c) The recorded notice of appointment of trustee or  
33 notice of substitution of trustee shall contain the name and  
34 address of the trustee or substitute trustee, the name and  
35 address of the lienholder, and the name and address of the  
36 timeshare plan.

37 (2) INITIATING THE TRUSTEE FORECLOSURE OF MORTGAGE LIENS.-

38 (a) Before initiating the trustee foreclosure against a  
39 timeshare interest, the mortgage, or an amendment to a mortgage  
40 executed by the obligor before the effective date of this  
41 section, must contain a statement in substantially the following  
42 form:

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44 If the mortgagor fails to make timely payments under  
45 the obligation secured by this mortgage, or is  
46 otherwise deemed in uncured default of this mortgage,  
47 the lien against the mortgagor's timeshare interest  
48 created by this mortgage may be foreclosed in  
49 accordance with either a judicial foreclosure  
50 procedure or a trustee foreclosure procedure and may  
51 result in the loss of your timeshare interest. If the  
52 mortgagee initiates a trustee foreclosure procedure,  
53 the mortgagor shall have the option to object and the  
54 mortgagee may proceed only by filing a judicial  
55 foreclosure action.

56  
57 (b)1. In order to initiate a trustee foreclosure procedure  
58 against a timeshare interest, the lienholder shall deliver an  
59 affidavit to the trustee that identifies the obligor, the notice  
60 address of the obligor, the timeshare interest, the official  
61 records book and page number where the mortgage is recorded, and  
62 the name and notice address of any junior interestholder. The  
63 affidavit shall be accompanied by a title search of the  
64 timeshare interest identifying any junior interestholders of  
65 record, and the effective date of the title search must be a  
66 date that is within 60 calendar days before the date of the  
67 affidavit.

68 2. The affidavit shall also state the facts that establish  
69 that the obligor has defaulted in the obligation to make a  
70 payment under a specified provision of the mortgage or is

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71 otherwise deemed in uncured default under a specified provision  
72 of the mortgage.

73 3. The affidavit shall also specify the amounts secured by  
74 the lien as of the date of the affidavit and a per diem amount  
75 to account for further accrual of the amounts secured by the  
76 lien.

77 4. The affidavit shall also state that the appropriate  
78 amount of documentary stamp tax and intangible taxes has been  
79 paid upon recording of the mortgage, or otherwise paid to the  
80 state.

81 5. The affidavit shall also state that the lienholder is  
82 the holder of the note and has complied with all preconditions  
83 in the note and mortgage to determine the amounts secured by the  
84 lien and to initiate the use of the trustee foreclosure  
85 procedure.

86 (3) OBLIGOR'S RIGHTS.-

87 (a) The obligor may object to the lienholder's use of the  
88 trustee foreclosure procedure for a specific default any time  
89 before the sale of the timeshare interest under subsection (7)  
90 by delivering a written objection to the trustee using the  
91 objection form provided for in subsection (5). If the trustee  
92 receives the written objection from the obligor, the trustee may  
93 not proceed with the trustee foreclosure procedure as to the  
94 default specified in the notice of default and intent to  
95 foreclose under subsection (5), and the lienholder may proceed  
96 thereafter only with a judicial foreclosure action as to that  
97 specified default.

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98       (b) At any time before the trustee issues the certificate  
99 of sale under paragraph (7) (f), the obligor may cure the default  
100 and redeem the timeshare interest by paying the amounts secured  
101 by the lien in cash or certified funds to the trustee. After the  
102 trustee issues the certificate of sale, there is no right of  
103 redemption.

104       (4) CONDITIONS TO TRUSTEE'S EXERCISE OF POWER OF SALE.—A  
105 trustee may sell an encumbered timeshare interest foreclosed  
106 under this section if:

107       (a) The trustee has received the affidavit from the  
108 lienholder under paragraph (2) (b);

109       (b) The trustee has not received a written objection to  
110 the use of the trustee foreclosure procedure under paragraph  
111 (3) (a) and the timeshare interest was not redeemed under  
112 paragraph (3) (b);

113       (c) There is no lis pendens recorded and pending against  
114 the same timeshare interest, and the trustee has not been served  
115 notice of the filing of any action to enjoin the trustee  
116 foreclosure sale;

117       (d) The trustee is in possession of the original  
118 promissory note executed by the mortgagor and secured by the  
119 mortgage lien;

120       (e) The trustee has provided written notice of default and  
121 intent to foreclose as required under subsection (5) and a  
122 period of at least 30 calendar days has elapsed after such  
123 notice is deemed perfected under subsection (5); and

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124 (f) The notice of sale required under subsection (6) has  
125 been recorded in the official records of the county in which the  
126 mortgage was recorded.

127 (5) NOTICE OF DEFAULT AND INTENT TO FORECLOSE.-

128 (a) In any foreclosure proceeding under this section, the  
129 trustee is required to notify the obligor of the proceeding by  
130 sending the obligor a written notice of default and intent to  
131 foreclose to the notice address of the obligor by certified  
132 mail, registered mail, or permitted delivery service, return  
133 receipt requested, and by first-class mail or permitted delivery  
134 service, postage prepaid, as follows:

135 1. The notice of default and intent to foreclose shall  
136 identify the obligor, the notice address of the obligor, the  
137 legal description of the timeshare interest, the nature of the  
138 default, the amounts secured by the lien, and a per diem amount  
139 to account for further accrual of the amounts secured by the  
140 lien and shall state the method by which the obligor may cure  
141 the default, including the period of time after the date of the  
142 notice of default and intent to foreclose within which the  
143 obligor may cure the default.

144 2. The notice of default and intent to foreclose shall  
145 include an objection form with which the obligor can object to  
146 the use of the trustee foreclosure procedure by signing and  
147 returning the objection form to the trustee. The objection form  
148 shall identify the obligor, the notice address of the obligor,  
149 the timeshare interest, and the return address of the trustee  
150 and shall state: "The undersigned obligor exercises the

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151 obligor's right to object to the use of the trustee foreclosure  
152 procedure contained in section 721.856, Florida Statutes."

153 3. The notice of default and intent to foreclose shall  
154 also contain a statement in substantially the following form:

155  
156 If you fail to cure the default as set forth in this  
157 notice or take other appropriate action with regard to  
158 this foreclosure matter, you risk losing ownership of  
159 your timeshare interest through the trustee  
160 foreclosure procedure established in section 721.856,  
161 Florida Statutes. You may choose to sign and send to  
162 the trustee the enclosed objection form, exercising  
163 your right to object to the use of the trustee  
164 foreclosure procedure. Upon the trustee's receipt of  
165 your signed objection form, the foreclosure of the  
166 lien with respect to the default specified in this  
167 notice shall be subject to the judicial foreclosure  
168 procedure only. You have the right to cure your  
169 default in the manner set forth in this notice at any  
170 time before the trustee's sale of your timeshare  
171 interest. If you do not object to the use of the  
172 trustee foreclosure procedure, you will not be subject  
173 to a deficiency judgment even if the proceeds from the  
174 sale of your timeshare interest are insufficient to  
175 offset the amounts secured by the lien.

176  
177 4. The trustee shall also mail a copy of the notice of  
178 default and intent to foreclose, without the objection form, to

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179 the notice address of any junior interestholder by certified  
180 mail, registered mail, or permitted delivery service, return  
181 receipt requested, and by first-class mail or permitted delivery  
182 service, postage prepaid.

183 5. Notice under this paragraph is considered perfected  
184 upon the trustee receiving the return receipt bearing the  
185 signature of the obligor or junior interestholder, as  
186 applicable, within 30 calendar days after the trustee sent the  
187 notice under this paragraph. Notice under this paragraph is not  
188 perfected if the notice is returned as undeliverable within 30  
189 calendar days after the trustee sent the notice, if the trustee  
190 cannot ascertain from the receipt that the obligor or junior  
191 interestholder, as applicable, is the person who signed the  
192 receipt, or if the receipt from the obligor or junior  
193 interestholder, as applicable, is returned or refused within 30  
194 calendar days after the trustee sent the notice.

195 (b) If the notice required by paragraph (a) is returned as  
196 undeliverable within 30 calendar days after the trustee sent the  
197 notice, the trustee shall perform a diligent search and inquiry  
198 to obtain a different address for the obligor or junior  
199 interestholder. For purposes of this paragraph, any address  
200 known and used by the lienholder for sending regular mailings or  
201 other communications from the lienholder to the obligor or  
202 junior interestholder, as applicable, shall be included with  
203 other addresses produced from the diligent search and inquiry,  
204 if any.

205 1. If the trustee's diligent search and inquiry produces  
206 an address different from the notice address, the trustee shall

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207 mail a copy of the notice by certified mail, registered mail, or  
208 permitted delivery service, return receipt requested, and by  
209 first-class mail or permitted delivery service, postage prepaid,  
210 to the new address. Notice under this subparagraph is considered  
211 perfected upon the trustee receiving the return receipt bearing  
212 the signature of the obligor or junior interestholder, as  
213 applicable, within 30 calendar days after the trustee sent the  
214 notice under this subparagraph. Notice under this subparagraph  
215 is not perfected if the trustee cannot ascertain from the  
216 receipt that the obligor or junior interestholder, as  
217 applicable, is the person who signed the receipt or the receipt  
218 from the obligor or junior interestholder, as applicable, is  
219 returned refused. If the trustee does not perfect notice under  
220 this subparagraph, the trustee shall perfect service in the  
221 manner set forth in paragraph (c).

222 2. If the trustee's diligent search and inquiry does not  
223 locate a different address for the obligor or junior  
224 interestholder, as applicable, the trustee may perfect notice  
225 against that person under paragraph (c).

226 (c) If the notice is not perfected under subparagraph  
227 (a)5., and such notice was not returned as undeliverable, or if  
228 the notice was not perfected under subparagraph (b)1., the  
229 trustee may perfect notice by publication in a newspaper of  
230 general circulation in the county or counties in which the  
231 timeshare interest is located. The notice shall appear at least  
232 once a week for 2 consecutive weeks. The trustee may group an  
233 unlimited number of notices in the same publication, if all of  
234 the notices pertain to the same timeshare plan. Notice under

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235 this paragraph is considered perfected upon publication as  
236 required in this paragraph.

237 (d) If notice is perfected under subparagraph (a)5., the  
238 trustee shall execute an affidavit in recordable form setting  
239 forth the manner in which notice was perfected and attach the  
240 affidavit to the certificate of compliance set forth in  
241 subsection (9). The affidavit shall state the nature of the  
242 notice, the date on which the notice was mailed, the name and  
243 address on the envelope containing the notice, the manner in  
244 which the notice was mailed, and the basis for that knowledge.

245 (e) If notice is perfected under subparagraph (b)1., the  
246 trustee shall execute an affidavit in recordable form setting  
247 forth the manner in which notice was perfected and attach the  
248 affidavit to the certificate of compliance set forth in  
249 subsection (9). The affidavit shall state the nature of the  
250 notice, the dates on which the notice was mailed, the name and  
251 addresses on the envelopes containing the notice, the manner in  
252 which the notice was mailed, the fact that a signed receipt from  
253 the certified mail, registered mail, or permitted delivery  
254 service was timely received, and the name and address on the  
255 envelopes containing the notice.

256 (f) If notice is perfected under paragraph (c), the  
257 trustee shall execute an affidavit in recordable form setting  
258 forth the manner in which notice was perfected and attach the  
259 affidavit to the certificate of compliance set forth in  
260 subsection (9). The affidavit shall include all the information  
261 contained in either paragraph (d) or paragraph (e), as  
262 applicable, shall state that the notice was perfected by

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263 publication after diligent search and inquiry was made for the  
264 current address for the person, shall include a statement that  
265 notice was perfected by publication, and shall set forth the  
266 information required by s. 49.041 in the case of a natural  
267 person or s. 49.051 in the case of a corporation, whichever is  
268 applicable. No other action of the trustee is necessary to  
269 perfect notice.

270 (6) NOTICE OF SALE.—

271 (a) The notice of sale shall set forth:

- 272 1. The name and notice addresses of the obligor and any  
273 junior interestholder.
- 274 2. The legal description of the timeshare interest.
- 275 3. The name and address of the trustee.
- 276 4. A description of the default that is the basis for the  
277 foreclosure.
- 278 5. The official records book and page numbers where the  
279 mortgage is recorded.
- 280 6. The amounts secured by the lien and a per diem amount  
281 to account for further accrual of the amounts secured by the  
282 lien.
- 283 7. The date, location, and starting time of the trustee's  
284 sale.
- 285 8. The right of and the method by which the obligor may  
286 cure the default or the right of any junior interestholder to  
287 redeem its interest up to the date the trustee issues the  
288 certificate of sale in accordance with paragraph (7) (f).

289 (b) The trustee shall send a copy of the notice of sale  
290 within 3 business days after the date it is submitted for  
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291 recording, by first-class mail or permitted delivery service,  
292 postage prepaid, to the notice addresses of the obligor and any  
293 junior interestholder.

294 (c) After the date of recording of the notice of sale,  
295 notice is not required to be given to any person claiming an  
296 interest in the timeshare interest except as provided in this  
297 section. The recording of the notice of sale has the same force  
298 and effect as the filing of a lis pendens in a judicial  
299 proceeding under s. 48.23.

300 (d)1. The trustee shall publish the notice of sale in a  
301 newspaper of general circulation in the county or counties in  
302 which the timeshare interest is located at least once a week for  
303 2 consecutive weeks before the date of the sale. The last  
304 publication shall occur at least 5 calendar days before the  
305 sale.

306 2. The trustee may group an unlimited number of notices of  
307 sale in the same publication, if all of the notices of sale  
308 pertain to the same timeshare plan.

309 (7) MANNER OF SALE.—

310 (a) The sale of a timeshare interest by the trustee in a  
311 public auction shall be held in the county in which the  
312 timeshare interest is located, on the date, location, and  
313 starting time designated in the notice of sale, which shall be  
314 after 9:00 a.m. but before 4:00 p.m. on a business day not less  
315 than 30 calendar days after the recording of the notice of sale.  
316 The trustee's sale may occur online at a specific website on the  
317 Internet or in any other manner used by the clerk of the court

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318 for a judicial foreclosure sales procedure in the county or  
319 counties in which the timeshare interest is located.

320 (b) The trustee shall conduct the sale and act as the  
321 auctioneer.

322 (c) The lienholder and any person other than the trustee  
323 may bid at the sale. In lieu of participating in the sale, the  
324 lienholder may send the trustee written bidding instructions  
325 that the trustee shall announce as appropriate during the sale.

326 (d) The trustee may postpone the sale from time to time.  
327 In such case, notice of postponement must be given by the  
328 trustee at the date, time, and location contained in the notice  
329 of sale. The notice of sale for the postponed sale shall be  
330 mailed under paragraph (6) (b), recorded under paragraph (4) (f),  
331 and published under paragraph (6) (d). The effective date of the  
332 initial notice of sale under paragraph (6) (b) is not affected by  
333 a postponed sale.

334 (e) The highest bidder of the timeshare interest shall pay  
335 the price bid to the trustee in cash or certified funds on the  
336 day of the sale. If the lienholder is the highest bidder, the  
337 lienholder shall receive a credit up to the amount set forth in  
338 the notice of sale as required under subparagraph (6) (a) 6.

339 (f) On the date of the sale and upon receipt of the cash  
340 or certified funds due from the highest bidder, the trustee  
341 shall issue to the highest bidder a certificate of sale stating  
342 that a foreclosure conforming to the requirements of this  
343 section has occurred, including the time, location, and date of  
344 the sale, that the timeshare interest was sold, the amounts  
345 secured by the lien, and the amount of the highest bid. A copy

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346 of the certificate of sale shall be mailed by certified mail,  
347 registered mail, or permitted delivery service, return receipt  
348 requested, to all persons entitled to receive a notice of sale  
349 under subsection (6).

350 (g) Before a sale conducted pursuant to this subsection, a  
351 junior interestholder may pursue adjudication by court, by  
352 interpleader, or in any other authorized manner respecting any  
353 matter that is disputed by the junior interestholder.

354 (8) EFFECT OF TRUSTEE'S SALE.—

355 (a) A sale conducted under subsection (7) forecloses and  
356 terminates all interests of any person with notice to whom  
357 notice is given under paragraph (4) (e) and paragraph (6) (b), and  
358 of any other person claiming interests by, through, or under any  
359 such person, in the affected timeshare interest. A failure to  
360 give notice to any person entitled to notice does not affect the  
361 validity of the sale as to the interests of any person properly  
362 notified. A person entitled to notice but not given notice has  
363 the rights of a person not made a defendant in a judicial  
364 foreclosure.

365 (b) On the issuance of a certificate of sale under  
366 paragraph (7) (f), all rights of redemption that have been  
367 foreclosed under this section shall terminate.

368 (c) A sale conducted under subsection (7) releases the  
369 obligor's liability for all amounts secured by the lien. The  
370 lienholder has no right to any deficiency judgment against the  
371 obligor after a sale of the obligor's timeshare interest under  
372 this section.

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373 (d) The issuance and recording of the trustee's deed is  
374 presumed valid and may be relied upon by third parties without  
375 actual knowledge of any irregularities in the foreclosure  
376 proceedings. If for any reason there is an irregularity in the  
377 foreclosure proceedings, a purchaser becomes subrogated to all  
378 the rights of the lienholder to the indebtedness that it secured  
379 to the extent necessary to reforeclose the mortgage lien in  
380 order to correct the irregularity and becomes entitled to an  
381 action de novo for the foreclosure of such mortgage lien. Any  
382 subsequent reforeclosure required to correct an irregularity may  
383 be conducted under this section.

384 (9) TRUSTEE'S CERTIFICATE OF COMPLIANCE.-

385 (a) Within 10 calendar days after the trustee conducts a  
386 sale, the trustee shall execute and acknowledge a certificate of  
387 compliance which:

388 1. Confirms delivery of the notice of default and intent  
389 to foreclose and attaches the affidavit required under  
390 subsection (5).

391 2. States that the default was not cured, that the trustee  
392 did not receive any written objection under paragraph (3) (a),  
393 and that the timeshare interest was not redeemed under paragraph  
394 (3) (b).

395 3. States that the trustee is in possession of the  
396 original promissory note executed by the mortgagor and secured  
397 by the mortgage lien.

398 4. Confirms that the notice of sale was published as  
399 required under paragraph (6) (d) and attaches an affidavit of  
400 publication for the notice of sale.

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401 5. Confirms that the notice of sale was mailed under  
402 paragraph (6) (b) together with a list of the parties to whom the  
403 notice of sale was mailed.

404 (b) In furtherance of the execution of the certificate of  
405 compliance required under this subsection, the trustee is  
406 entitled to rely upon an affidavit or certification from the  
407 lienholder as to the facts and circumstances of default and  
408 failure to cure the default.

409 (10) TRUSTEE'S DEED.-

410 (a) The trustee's deed shall include the name and address  
411 of the trustee, the name and address of the highest bidder, the  
412 name of the former owner, a legal description of the timeshare  
413 interest, and the name and address of the preparer of the  
414 trustee's deed. The trustee's deed shall recite that the  
415 certificate of compliance was recorded and shall contain no  
416 warranties of title from the trustee. The certificate of  
417 compliance shall be attached as an exhibit to the trustee's  
418 deed.

419 (b) Ten calendar days after a sale, absent the prior  
420 filing and service on the trustee of a judicial action to enjoin  
421 issuance of the trustee's deed to the timeshare interest, the  
422 trustee shall:

423 1. Cancel the original promissory note executed by the  
424 mortgagor and secured by the mortgage lien.

425 2. Issue a trustee's deed to the highest bidder.

426 3. Record the trustee's deed in the official records of  
427 the county or counties in which the timeshare interest is  
428 located.

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429 (c)1. The certificate of compliance and trustee's deed  
430 together are presumptive evidence of the truth of the matters  
431 set forth in them, and an action to set aside the sale and void  
432 the trustee's deed may not be filed or otherwise pursued against  
433 any person acquiring the timeshare interest for value.

434 2. The trustee's deed conveys to the highest bidder all  
435 rights, title, and interest in the timeshare interest that the  
436 former owner had, or had the power to convey, together with all  
437 rights, title, and interest that the former owner or his or her  
438 successors in interest acquired after the execution of the  
439 mortgage.

440 3. The issuance and recording of a trustee's deed shall  
441 have the same force and effect as the issuance and recording of  
442 a certificate of title by the clerk of the court in a judicial  
443 foreclosure action.

444 (11) DISPOSITION OF PROCEEDS OF SALE.-

445 (a) The trustee shall apply the proceeds of the sale as  
446 follows:

447 1. To the expenses of the sale, including compensation of  
448 the trustee.

449 2. To the amount owed and set forth in the notice as  
450 required under subparagraph (6) (a) 6.

451 3. If there are junior interestholders, the trustee may  
452 file an action in interpleader, pay the surplus to a court of  
453 competent jurisdiction, name the competing junior  
454 interestholders, and ask the court to determine the proper  
455 distribution of the surplus. In any interpleader action, the  
456 trustee shall recover reasonable attorney's fees and costs.

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457 4. If there are no junior interestholders, or if all  
458 junior interestholders have been paid, any surplus shall be paid  
459 to the former owner. If the trustee is unable to locate the  
460 former owner within 1 year after the sale, the surplus, if any,  
461 shall be deposited with the Chief Financial Officer under  
462 chapter 717.

463 (b) In disposing of the proceeds of the sale, the trustee  
464 may rely on the information provided in the affidavit of the  
465 lienholder under paragraph (2) (b) and, in the event of a dispute  
466 or uncertainty over such claims, the trustee has the discretion  
467 to submit the matter to adjudication by court, by interpleader,  
468 or in any other authorized manner and shall recover reasonable  
469 attorney's fees and costs.

470 (12) JUDICIAL FORECLOSURE ACTIONS.—The trustee foreclosure  
471 procedure established in this section does not impair or  
472 otherwise affect the lienholder's continuing right to bring a  
473 judicial foreclosure action, in lieu of using the trustee  
474 foreclosure procedure, with respect to any mortgage lien.

475 (13) ACTIONS FOR FAILURE TO FOLLOW THE TRUSTEE FORECLOSURE  
476 PROCEDURE.—

477 (a) An action for actual damages for a material violation  
478 of this section may be brought by an obligor against the  
479 lienholder for the failure to follow the trustee foreclosure  
480 procedure contained in this section.

481 (b) Any trustee who intentionally violates the provisions  
482 of this section concerning the trustee foreclosure procedure  
483 commits a felony of the third degree, punishable as provided in  
484 s. 775.082, s. 775.083, or s. 775.084.

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**T I T L E   A M E N D M E N T**

Remove lines 40-59 and insert:

procedure; providing a criminal penalty; creating s. 721.856,  
F.S.; establishing procedure for the trustee foreclosure of  
mortgage liens; providing for the appointment of a trustee;  
providing recording requirements for such liens; providing  
procedures for the initiation of a trustee foreclosure procedure  
against a timeshare interest; providing procedures for an  
obligor's objection to the trustee foreclosure procedure;  
providing conditions to a trustee's exercise of power of sale;  
providing requirements for a notice of default and intent to  
sell; providing requirements for a notice of sale; providing  
requirements for the sale by auction of foreclosed encumbered  
timeshare interests; providing requirements for a trustee's  
certificate of compliance; providing for the effect of a  
trustee's sale; providing requirements for a trustee's deed;  
providing for the disposition of proceeds of the sale; providing  
that the trustee foreclosure procedure does not impair or  
otherwise affect the right to bring certain actions; providing  
for actions for failure to follow the trustee foreclosure  
procedure; providing a criminal penalty; amending s.