

SENATE No. 904

By Mr. MacKenzie, a petition (accompanied by bill, Senate, No. 904) of William I. Randall for legislation to provide for notice of sale to a mortgagor upon foreclosure under power of sale. The Judiciary.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Seventy-Five.

AN ACT TO PROVIDE FOR NOTICE OF SALE TO A MORTGAGOR UPON FORECLOSURE UNDER POWER OF SALE.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 Section 14 of Chapter 244 of the General Laws is hereby
2 amended by adding at the end of the first sentence thereof
3 the following words: "and notice thereof also has been sent
4 by registered mail to the mortgagor or his successor in inter-
5 est as of the date of the notice at his last known address," so
6 as to read

7 "The mortgagee or person having his estate in the land
8 mortgaged, or a person authorized by the power of sale, or
9 the attorney duly authorized by a writing under seal, or the
10 legal guardian or conservator of such mortgagee or person
11 acting in the name of such mortgagee or person, may, upon
12 breach of condition and without action, do all the acts author-
13 ized or required by the power; but no sale under such power
14 shall be effectual to foreclose a mortgage, unless, previous to
15 such sale, notice thereof has been published once in each of
16 three successive weeks, the first publication to be not less
17 than twenty-one days before the day of sale, in a newspaper,
18 if any, published in the town where the land lies and notice
19 thereof also has been sent by registered mail to the mortgagor
20 or his successor in interest as of the date of the notice at his
21 last known address."

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