

The Commonwealth of Massachusetts



EDWARD J. KING
GOVERNOR

THE COMMONWEALTH OF MASSACHUSETTS
EXECUTIVE DEPARTMENT
STATE HOUSE . BOSTON 02133

TO THE HONORABLE SENATE AND HOUSE OF REPRESENTATIVES:

In accordance with the provisions of Article LVI of the Amendments to the Constitution, I am returning herewith, House Bill No. 2675 entitled "AN ACT RELATIVE TO THE PROCEEDINGS FOR THE FORECLOSURE OF MORTGAGES UNDER THE SOLDIERS' AND SAILORS' CIVIL RELIEF ACT."

This bill would permit persons not entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940 to appear and answer in foreclosure proceeding. This would considerably impede the processing of such matters.

The original purpose of this bill, as filed was to allow only those owners of the equity of redemption who appear of record and who are entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act to appear and answer. Such a provision would eliminate the need for Soldiers' and Sailors' proceeding where the owner of record is a corporation. In addition it would prevent the benefit of the Soldiers' and Sailors' Act from being held to accrue to persons not of record.

I am therefore returning this bill with the recommendation that the last paragraph of section 1 of chapter 57 of the acts of 1943 as appearing in section 2 of chapter 105 of the acts of 1959 be stricken out and the following paragraph be inserted in place thereof:-

In proceedings under this section, no person who does not appear of record to be an owner of the equity of redemption in the mortgaged property and who is not entitled to the benefit of the Soldiers' and Sailors' Civil Relief Act of 1940, as amended, with respect to the mortgage, trust deed or other security described in the bill whether named as a defendant in the bill or not, shall be entitled to appear or be heard in such proceeding except on behalf of a person so entitled, or unless an affidavit by the claimant, or certificate by counsel appearing for him, stating that he is in the service and thus entitled to the benefit of the Act, is filed with the appearances. Such proceedings shall be limited to the issues of the existence of such persons and their rights, if any.

Respectfully submitted,

A handwritten signature in cursive script that reads "Edward J. King".
Edward J. King
Governor

