

The Commonwealth of Massachusetts

In the Year of our Lord One Thousand Nine Hundred and Sixty-Nine

HOUSE No. 5046**The Commonwealth of Massachusetts**

HOUSE OF REPRESENTATIVES, April 30, 1969.

The committee on Banks and Banking, to whom were referred the petition (accompanied by bill, House, No. 681) of David C. Ahearn that mortgagees of real estate be required to notify mortgagors of their right to hire an attorney of their own choice in transactions involving mortgages of real estate; and the petition (accompanied by bill, House, No. 1564) of Paul Maurice Murphy for requiring mortgagees of real property to inform mortgagors of their right to engage their own attorneys in mortgage transactions, report the accompanying bill (House, No. 5046).

For the committee,

WILLIAM A. CONNELL, JR.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Sixty-Nine.

AN ACT REQUIRING ANY MORTGAGEE OF REAL PROPERTY TO INFORM ANY MORTGAGOR OF REAL PROPERTY OF HIS RIGHT TO HIRE AN ATTORNEY OF HIS OWN CHOICE IN ANY TRANSACTION INVOLVING A MORTGAGE OF REAL ESTATE.

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

1 Chapter 184 of the General Laws is hereby amended by
2 inserting after section 17A the following section:—
3 *Section 17B.* Every person or his agent making an appli-
4 cation for a mortgage of real estate having thereon a dwelling
5 house with accommodations for four or less separate house-
6 holds and occupied or to be occupied in whole or in part at
7 the time the loan is made as a home by any obligor on the
8 mortgage debt shall be told orally, if practicable, and, in any
9 event shall be given a statement in writing by the proposed
10 mortgagee in conspicuous print and succinct language at the
11 time the application is made and at the time of the mort-
12 gagee's commitment or agreement to make the loan, to the
13 effect that, (a) the responsibility of the attorney for the
14 mortgagee is to protect the interest of the mortgagee only,
15 but at the expense of the mortgagor, as billed to the latter
16 by the mortgagee, and, (b) that the mortgagor has the right
17 to retain an attorney of his own selection to represent him
18 in all matters pertaining to the transaction or any part
19 thereof, at the expense of the mortgagor.