

# HOUSE . . . . . No. 396

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Bill accompanying the petition of Jackson Caldwell for legislation to fix the time within which the vendee shall make a demand upon the vendor for the sale at auction of goods retaken for breach of condition of the lease thereof. Legal Affairs. January 21.

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## Commonwealth of Massachusetts.

In the Year One Thousand Nine Hundred and Nine.

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### AN ACT

To fix the Time within which the Vendee shall demand that Goods be sold at Auction in Cases of Default.

*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 thirteen of chapter one hundred and ninety-  
2 eight of the Revised Laws is hereby amended by insert-  
3 ing in line fourteen after the words "so requests the  
4 vendor" the following:— within fifteen days after posses-  
5 sion has been taken, — so as to read as follows:— *Section*  
6 *13.* Thirty days at least before taking possession of  
7 said furniture or effects for default of the vendee, the  
8 vendor shall demand in writing of the vendee or other  
9 person in charge of said furniture or effects the balance

10 then due, and shall furnish to said vendee or other per-  
11 son an itemized statement of the account showing the  
12 amount due thereon. If said vendee or other person  
13 can by the exercise of reasonable care and diligence be  
14 found by the vendor, the fifteen days during which his  
15 right of redemption exists under the provisions of sec-  
16 tion eleven shall not begin to run until said demand has  
17 been made, said statement furnished and said thirty days  
18 have expired. If seventy-five per cent or more of the  
19 contract price has been paid by a vendee whose right of  
20 redemption has expired, the furniture or effects shall, if  
21 the vendee or his legal representative in writing so re-  
22 quests the vendor, within fifteen days after possession  
23 has been taken, be sold by auction after due advertise-  
24 ment, which shall be published at least three days prior  
25 to the sale in one of the principal newspapers, if any,  
26 published in the city or town, otherwise in one of the  
27 principal newspapers published in the county in which the  
28 furniture or effects are situated. If the vendor refuses  
29 or neglects to make the sale as provided herein, the right  
30 of redemption shall not be foreclosed. If a balance of  
31 the proceeds of the sale remains after deducting the  
32 actual expenses of the sale by auction and paying from  
33 said proceeds to the vendor the balance of the contract  
34 price due him, it shall be paid to the vendee or his legal  
35 representative.