

HOUSE RESEARCH

Bill Summary

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Subject: Mortgage Foreclosure Data

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Overview

This bill requires certain information to be included in a notice of pendency, notice of sale, and a certificate of sale. It also requires a study on an electronic statewide foreclosure data system, with a report to the legislature by February 15, 2009.

Section

- 1** **Definition.** Establishes a definition of the term “transaction agent” for purposes of chapter 58 of the Minnesota Statutes, related to mortgage originators and service licensing.
- 2** **Foreclosure Data.** Provides that a notice of pendency, notice of sale, and the certificate of sale must include the following information, to the best of the knowledge of the party foreclosing the mortgage:

(1) The physical address, including city and zip code, of the mortgaged premises;

(2) If the person holding the mortgage is a transaction agent, the name of the transaction agent, residential mortgage servicer, and the lender or broker. If the person holding the mortgage is not a transaction agent, the name of the residential mortgage servicer and the lender or broker must be included;

Section

- (3) the tax parcel identification number of the mortgaged premises;
- (4) the transaction agent's mortgage identification number, if stated on the mortgage;
- (5) the name of the mortgage originator, if stated on the mortgage.

The party foreclosing the mortgage is not liable for de minimis, good faith, or commercially reasonable errors in information. The omission of all or some of the information from the notice shall not invalidate the foreclosure.

3 Foreclosure Data Collection and Reporting; Study. Requires the Secretary of State to convene and chair a group to study ways to develop and implement an electronic system for submission, collection, and other tasks associated with statewide foreclosure data. The study must be conducted in consultation with a statewide working group including representatives of certain entities specified in the bill, and must submit a report to the legislature by February 15, 2009 .

4 Effective Date. Sections 1 and 2 are effective for notices of pendency dated on or after August 1, 2008 .