

SENATE, No. 2545

STATE OF NEW JERSEY 216th LEGISLATURE

INTRODUCED OCTOBER 27, 2014

Sponsored by:
Senator RONALD L. RICE
District 28 (Essex)

SYNOPSIS

Provides expedited process for foreclosing vacant and abandoned residential properties in uncontested actions.

CURRENT VERSION OF TEXT

As introduced.



1 AN ACT concerning foreclosure of residential properties and
2 supplementing P.L.1995, c. 244 (C.2A:50-53 et seq.).
3

4 **BE IT ENACTED** by the Senate and General Assembly of the State
5 of New Jersey:
6

7 1. Notwithstanding any other law or rule to the contrary, if a
8 residential mortgage lender's action to foreclose a mortgage on real
9 property pursuant to the "Fair Foreclosure Act," P.L.1995, c.244
10 (C.2A:50-53 et seq.), is uncontested as defined pursuant to R.4:64-
11 1(c) of the Rules Governing the Courts of the State of New Jersey,
12 and vacant and abandoned pursuant to the criteria set forth in
13 section 1 of P.L.2012, c.70 (C.2A:50-73), the lender may file a
14 Motion for Expedited Judgment and Sale. The motion shall be
15 accompanied by an affidavit from a person having personal
16 knowledge of the contents and shall plead the specific facts to
17 establish that the action is uncontested and that the property is
18 vacant and abandoned.
19

20 2. If the motion and affidavit filed pursuant to section 1 of this
21 act are found to be in compliance with the provisions of that
22 section, have been served on the debtor and other appropriate
23 parties in accordance with the Rules Governing the Courts of the
24 State of New Jersey, and are otherwise satisfactory, the Superior
25 Court shall:

- 26 a. enter final judgment in foreclosure;
27 b. direct issuance of a writ of execution to the Sheriff of the
28 county in which the real property is situate that provides for the
29 public sale of the property within 90 days of the filing of the service
30 of the notice of intention that commenced the foreclosure action
31 pursuant to the "Fair Foreclosure Act," P.L.1995, c.244 (C.2A:50-
32 53 et seq.); and
33 c. order payment by the lender of \$1,000 as a fee for the costs
34 associated with the use of the process for expedited judgment and
35 sale of the property as provided for in this act.
36

37 3. In a manner consistent with the Rules Governing the Courts
38 of the State of New Jersey, the debtor or any interested party may
39 present a defense in response to the Motion for Expedited Judgment
40 and Sale. The defense shall be accompanied by an affidavit stating
41 that the defense is not made solely for the purpose of delaying the
42 relief requested pursuant to the Motion for Expedited Judgment and
43 Sale. The defense shall be presented within 90 days of the filing of
44 the service of the notice of intention that commenced the
45 foreclosure action. Any defense that is presented without the
46 affidavit, or that is not presented within the 90 day time period,
47 shall not be considered by the court.

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1 be presented within 90 days of the filing of the service of the notice
2 of intention that commenced the foreclosure action. Finally, any
3 defense that is presented without the affidavit, or that is not
4 presented within the 90 day time period, shall not be considered by
5 the court.

6 The bill further provides that nothing in the bill shall be
7 construed to affect the rights of a tenant to possession of a leasehold
8 interest under the Anti-Eviction Act, P.L.1974, c. 49 (C.2A:18-61.1
9 et seq.), the “New Jersey Foreclosure Fairness Act,” P.L.2009,
10 c.296 (C.2A:50-69 et seq.), or any other applicable law.