

7105

2009-2010 Regular Sessions

I N A S S E M B L Y

March 20, 2009

Introduced by M. of A. HOYT -- read once and referred to the Committee
on Judiciary

AN ACT to amend the real property actions and proceedings law, in
relation to designating a party to accept service in the event a prop-
erty becomes vacant during the foreclosure process

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEM-
BLY, DO ENACT AS FOLLOWS:

1 Section 1. The real property actions and proceedings law is amended by
2 adding a new section 1305 to read as follows:
3 S 1305. DESIGNATION OF AGENT FOR SERVICE. PRIOR TO INITIATING AN
4 ACTION TO FORECLOSE A MORTGAGE, THE FORECLOSING PARTY SHALL DESIGNATE AN
5 AGENT TO ACCEPT SERVICE FOR ALL ACTIONS IN THE EVENT THAT THE SUBJECT
6 PROPERTY BECOMES VACANT DURING THE FORECLOSURE PROCEEDING. ANY PERSON
7 MAY BE DESIGNATED BY THE FORECLOSING PARTY AS AN AGENT FOR SERVICE IN A
8 WRITING, EXECUTED AND ACKNOWLEDGED IN THE SAME MANNER AS A DEED, WITH
9 THE CONSENT OF THE AGENT ENDORSED THEREON. THE WRITING SHALL BE FILED IN
10 THE OFFICE OF THE CLERK OF THE COUNTY IN WHICH THE MORTGAGE AND DEED ARE
11 FILED. THE WRITING SHALL ALSO INCLUDE THE ADDRESS AT WHICH THE DESIG-
12 NATED AGENT WILL ACCEPT SERVICE; SUCH ADDRESS MUST BE LOCATED WITHIN THE
13 COUNTY IN WHICH THE WRITING IS FILED. THE DESIGNATION SHALL REMAIN IN
14 EFFECT FOR THREE YEARS FROM SUCH FILING UNLESS IT HAS BEEN REVOKED BY
15 THE FILING OF A REVOCATION, OR BY THE DEATH, JUDICIAL DECLARATION OF
16 INCOMPETENCY OR LEGAL TERMINATION OF THE AGENT OR PRINCIPAL.
17 S 2. This act shall take effect immediately.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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