

S T A T E O F N E W Y O R K

1944--A

Cal. No. 247

2009-2010 Regular Sessions

I N S E N A T E

February 10, 2009

Introduced by Sen. STACHOWSKI -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- reported favorably from said committee, ordered to first and second report, ordered to a third reading, amended and ordered reprinted, retaining its place in the order of third reading

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

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, 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 A
5 LOCAL AGENT TO ACCEPT SERVICE FOR ALL ACTIONS. THE FORECLOSING PARTY
6 SHALL DESIGNATE EITHER ITS ATTORNEY, AS PROVIDED IN SECTION THREE
7 HUNDRED THREE OF THE CIVIL PRACTICE LAW AND RULES, OR ITS DULY REGIS-
8 TERED AGENT FOR SERVICE OF PROCESS, AS PROVIDED IN SECTION THREE HUNDRED
9 FIVE OF THE BUSINESS CORPORATION LAW OR SIMILAR LAWS, AS AN AGENT TO
10 ACCEPT SERVICE FOR ALL LEGAL ACTIONS RELATED TO THE PROPERTY BEING FORE-
11 CLOSED IN A WRITING, EXECUTED AND ACKNOWLEDGED IN THE SAME MANNER AS A
12 DEED, WITH THE CONSENT OF THE AGENT ENDORSED THEREON. THE WRITING SHALL
13 BE FILED IN THE OFFICE OF THE CLERK OF THE COUNTY IN WHICH THE MORTGAGE
14 AND DEED ARE FILED. THE WRITING SHALL ALSO INCLUDE THE ADDRESS AT WHICH
15 THE DESIGNATED AGENT WILL ACCEPT SERVICE; SUCH ADDRESS MUST BE LOCATED
16 WITHIN THE COUNTY IN WHICH THE WRITING IS FILED.
17 S 2. This act shall take effect on the sixtieth day after it shall
18 have become a law.

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

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