

STATE OF NEW YORK

11075

IN ASSEMBLY

June 4, 2018

Introduced by COMMITTEE ON RULES -- (at request of M. of A. Wallace) --
read once and referred to the Committee on Judiciary

AN ACT to amend the real property actions and proceedings law and the
civil practice law and rules, in relation to including the name and
telephone number of the mortgage servicer for a plaintiff in a mort-
gage foreclosure action on certain documents pertaining to such action

The People of the State of New York, represented in Senate and Assem-
bly, do enact as follows:

1 Section 1. Subdivision 1 of section 1321 of the real property actions
2 and proceedings law, as added by chapter 312 of the laws of 1962, is
3 amended to read as follows:

4 1. If the defendant fails to answer within the time allowed or the
5 right of the plaintiff is admitted by the answer, upon motion of the
6 plaintiff, the court shall ascertain and determine the amount due, or
7 direct a referee to compute the amount due to the plaintiff and to such
8 of the defendants as are prior incumbrancers of the mortgaged premises,
9 and to examine and report whether the mortgaged premises can be sold in
10 parcels and, if the whole amount secured by the mortgage has not become
11 due, to report the amount thereafter to become due. Where the defendant
12 is an infant, and has put in a general answer by his guardian, or if any
13 of the defendants be absentees, the order of reference also shall direct
14 the referee to take proof of the facts and circumstances stated in the
15 complaint and to examine the plaintiff or his agent, on oath, as to any
16 payments which have been made. The order of reference shall also include
17 the name and telephone number of the mortgage servicer for a plaintiff
18 involving a mortgage foreclosure of a one- to four-family residential
19 property.

20 § 2. Subdivision 1 of section 1351 of the real property actions and
21 proceedings law, as amended by section 8 of part Q of chapter 73 of the
22 laws of 2016, is amended to read as follows:

23 1. The judgment shall direct that the mortgaged premises, or so much
24 thereof as may be sufficient to discharge the mortgage debt, the
25 expenses of the sale and the costs of the action, and which may be sold
26 separately without material injury to the parties interested, be sold by

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

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1 or under the direction of the sheriff of the county, or a referee within
2 ninety days of the date of the judgment. The judgment shall also include
3 the name and telephone number of the mortgage servicer for a plaintiff
4 involving a mortgage foreclosure of a one- to four-family residential
5 property.

6 § 3. Subdivision (b) of rule 6511 of the civil practice law and rules,
7 such rule as renumbered by chapter 318 of the laws of 1962, is amended
8 to read as follows:

9 (b) Content; designation of index. A notice of pendency shall state
10 the names of the parties to the action, including the name and telephone
11 number of the mortgage servicer for a foreclosing party involving a
12 mortgage foreclosure of a one- to four-family residential property, the
13 object of the action and a description of the property affected. A
14 notice of pendency filed with a clerk who maintains a block index shall
15 contain a designation of the number of each block on the land map of the
16 county which is affected by the notice. Except in an action for parti-
17 tion a notice of pendency filed with a clerk who does not maintain a
18 block index shall contain a designation of the names of each defendant
19 against whom the notice is directed to be indexed.

20 § 4. This act shall take effect immediately.