



First American Title Insurance Company of New York
CURRENT DEVELOPMENTS
SPECIAL EDITION

New Legislation for Residential Mortgage Foreclosures

Chapter 458 of the Laws of 2007, signed into Law on August 1 and effective "immediately", adds new Section 1320 ("Special summons requirement in private residence cases") to the State's Real Property Actions and Proceedings Law. This Section requires that the summons in an action to foreclose a mortgage on residential property containing not more than three units contain the following notice, in bold-face:

NOTICE

YOU ARE IN DANGER OF LOSING YOUR HOME

If you do not respond to this summons and complaint by serving a copy of the answer on the attorney for the mortgage company who filed this foreclosure proceeding against you and filing the answer with the court, a default judgment may be entered and you can lose your home.

Speak to an attorney or go to the court where your case is pending for further information on how to answer the summons and protect your property.

Sending a payment to your mortgage company will not stop this foreclosure action.

YOU MUST RESPOND BY SERVING A COPY OF THE ANSWER ON THE ATTORNEY FOR THE PLAINTIFF (MORTGAGE COMPANY) AND FILING THE ANSWER WITH THE COURT.

Chapter 458 also amended Subsection (g)(3)(iii) of Civil Practice Law and Rules Section 3215 ("Default judgments") to extend to "residential mortgage foreclosure actions" the requirement that a copy of the summons be again mailed to the defendant at least twenty days before entry of a default judgment when the defendant is a natural person who has defaulted in the Action.

According to the Introducer's Memorandum of Support for Senate Bill 4210, now Chapter 458, "[t]his is one of a series of measure being introduced at the request of the Chief Administrative Judge on the recommendation of his Advisory Committee on Civil Practice".

A copy of the legislation is annexed to this Bulletin.

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No. 98, August 10, 2007
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