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LEGISLATIVE ACTION

Senate	.	House
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The Committee on Banking and Insurance (Bennett) recommended the following:

1 **Senate Amendment to Amendment (941508) (with title**
2 **amendment)**

3
4 Delete lines 1361 - 1380
5 and insert:

6 52.603 Action for damages or to set aside foreclosure.-

7 (1) Subject to subsection (3), after the time of
8 foreclosure an aggrieved person may commence a proceeding in a
9 court of competent jurisdiction seeking the following relief:

10 (a) Damages against a foreclosing creditor for any
11 violation of this chapter or an applicable law or principle of
12 equity in the conduct of the foreclosure; or



461762

13 (b) That the foreclosure be set aside to correct a
14 violation of this chapter or to satisfy an applicable law or
15 principle of equity.

16 (2) Recording of the deed and affidavit pursuant to s.
17 52.312, the deed and affidavit pursuant to s. 52.405, or the
18 deed and affidavit pursuant to s. 52.505 conclusively
19 establishes compliance with all applicable notice and procedural
20 requirements of this chapter in favor of good faith purchasers
21 for value of the collateral. If the title derived from
22 foreclosure is not held by a good faith purchaser for value, a
23 person attacking the foreclosure on grounds of noncompliance
24 with the notice or procedural requirements of this chapter has
25 the burden of production and persuasion.

26 (3) An action may not be commenced:

27 (a) For damages for violation of this chapter, more than 3
28 years after the time of foreclosure; or

29 (b) For an order to set aside a foreclosure conducted under
30 this chapter, more than 1 year after the time of foreclosure.

31
32 ===== T I T L E A M E N D M E N T =====

33 And the title is amended as follows:

34 Delete line 1657

35 and insert:

36 transfer of title, actions for damages or to set aside
37 foreclosure, possession