

2013 -- H 5182

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2013

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A N A C T

RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

Introduced By: Representative Donald J. Lally

Date Introduced: January 29, 2013

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1           SECTION 1. Section 34-11-22 of the General Laws in Chapter 34-11 entitled "Form and  
2 Effect of Conveyances" is hereby amended to read as follows:

3           **34-11-22. Statutory power of sale in mortgage. --** The following power shall be known  
4 as the "statutory power of sale" and may be incorporated in any mortgage by reference:

5           (Power)

6           But if default shall be made in the performance or observance of any of the foregoing or  
7 other conditions, or if breach shall be made of the covenant for insurance contained in this deed,  
8 then it shall be lawful for the mortgagee or his, her or its executors, administrators, successors or  
9 assigns to sell, together or in parcels, all and singular the premises hereby granted or intended to  
10 be granted, or any part or parts thereof, and the benefit and equity of redemption of the mortgagor  
11 and his, her or its heirs, executors, administrators, successors and assigns therein, at public  
12 auction upon the premises, or at such other place, if any, as may be designated for that purpose in  
13 this deed, or in the published notice of sale first by mailing written notice of the time and place of  
14 sale by certified mail, return receipt requested, to the mortgagor, at his or her or its last known  
15 address, at least twenty (20) days for mortgagors other than individual consumer mortgagors, and  
16 at least thirty (30) days for individual consumer mortgagors, prior to first publishing the notice,  
17 including the day of the mailing in the computation; second, by publishing the same at least once  
18 each week for three (3) successive weeks in [a newspaper published daily statewide](#) or a public  
19 newspaper published daily in the city in which the mortgaged premises are situated; and if there

1 be no public newspaper published daily in the city in which the mortgaged premises are situated,  
2 or if the mortgaged premises are not situated in a city, then (1) if the mortgaged premises are  
3 situated in the city of Central Falls, in a public newspaper published daily in the city of  
4 Pawtucket; (2) if the mortgaged premises are situated in the town of North Providence, in a public  
5 newspaper published daily in either the city of Providence or the city of Pawtucket; (3) if the  
6 mortgaged premises are situated in any of the towns of Cumberland, Lincoln, Smithfield or North  
7 Smithfield, in a public newspaper published daily in either the city of Pawtucket or Woonsocket;  
8 (4) if the mortgaged premises are situated in the county of Providence elsewhere than in the  
9 above-named cities and towns, in a public newspaper published daily in the city of Providence;  
10 (5) if the mortgaged premises are situated in the county of Newport, in a public newspaper  
11 published daily in the city of Newport; but if there be no such public newspaper so published,  
12 then in some public newspaper published anywhere in the county of Newport; (6) if the  
13 mortgaged premises are situated in any of the counties of Bristol, Kent or Washington, in a public  
14 newspaper published daily in the city or town in which the mortgaged premises are situated; but if  
15 there be no public newspaper so published, in some public newspaper published daily in the  
16 county in which the mortgaged premises are situated or in a public newspaper published daily in  
17 the city of Providence; provided however if the mortgaged premises are situated in the town of  
18 New Shoreham then in addition to publication in a public newspaper published daily as required  
19 above, it shall also be published in a public newspaper published in the town of New Shoreham,  
20 and, in the event there is no public newspaper published in the town of New Shoreham, then in a  
21 public newspaper distributed in the town of New Shoreham; with power to adjourn such sale  
22 from time to time, provided that publishing of the notice shall be continued, together with a notice  
23 of the adjournment or adjournments, at least once each week in that newspaper; and in his, her or  
24 its or their own name or names, or as the attorney or attorneys of the mortgagor, for that purpose  
25 by these presents duly authorized and appointed with full power of substitution and revocation to  
26 make, execute and deliver to the purchaser or purchasers at that sale a good and sufficient deed or  
27 deeds of the mortgaged premises in fee simple, and to receive the proceeds of such sale or sales,  
28 and from such proceeds to retain all sums hereby secured whether then due or to fall due  
29 thereafter, or the part thereof then remaining unpaid, and also the interest then due on the  
30 proceeds, together with all expenses incident to the sale or sales, or for making deeds hereunder,  
31 and for fees of counsel and attorneys, and all costs or expenses incurred in the exercise of such  
32 powers, and all taxes, assessments, and premiums for insurance, if any, either theretofore paid by  
33 the mortgagee or his or her executors, administrators or assigns, or then remaining unpaid, upon  
34 the mortgaged premises, rendering and paying the surplus of the proceeds of sale, if any there be,

1 over and above the amounts so to be retained as aforesaid, together with a true and particular  
2 account of the sale or sales, expenses and charges, to the mortgagor, or his, her or its heirs,  
3 executors, administrators, successors or assigns; which sale or sales made as aforesaid shall  
4 forever be a perpetual bar against the mortgagor and his, her or its heirs, executors,  
5 administrators, successors and assigns, and all persons claiming the premises, so sold, by, through  
6 or under him or her, them or any of them.

7 SECTION 2. This act shall take effect upon passage.

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EXPLANATION  
BY THE LEGISLATIVE COUNCIL  
OF  
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1           This act would add a daily statewide newspaper to the publications that may be used for  
2 notice in mortgage defaults.

3           This act would take effect upon passage.

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