

2015 -- S 0502 SUBSTITUTE A

LC001434/SUB A

STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2015

A N A C T

RELATING TO PROPERTY - REDEMPTION, RELEASE, AND TRANSFER OF MORTGAGES

Introduced By: Senators Lombardi, Jabour, Nesselbush, Conley, and Archambault

Date Introduced: February 26, 2015

Referred To: Senate Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Section 34-26-7 of the General Laws in Chapter 34-26 entitled
2 "Redemption, Release, and Transfer of Mortgages" is hereby amended to read as follows:
3 **34-26-7. Certain ancient mortgages becoming void unless continued.** -- On and after
4 January 1, 1989, no power of sale in any mortgage of real estate, except mortgages made by
5 public utilities, and non-amortizing mortgages made by Rhode Island housing and mortgage
6 finance corporation then now or hereafter hereafter of record shall be exercised and no entry
7 shall be made nor possession taken nor proceeding begun for foreclosure of any such mortgage
8 after the expiration of a period which shall be ~~fifty (50)~~ thirty-five (35) years from the date of
9 recording of the mortgage or in the case of a mortgage in which the term or maturity date is
10 stated, five (5) years from the expiration of the term or maturity date, unless an extension of the
11 mortgage, or an acknowledgment by affidavit of the mortgagee that the mortgage is not satisfied,
12 is recorded ~~within the last ten (10) years of that period~~ before the expiration of the applicable time
13 period. In case an extension of the mortgage or such an acknowledgment by affidavit is so
14 recorded, the period shall continue until ~~ten (10)~~ five (5) years shall have elapsed during which
15 there is not recorded any further extension of the mortgage or acknowledgment or affidavit that
16 the mortgage is not satisfied. The period shall not be extended by ~~reason of a longer duration of~~
17 ~~the debt or the obligation secured being stated in the mortgage or in any extension of the~~
18 ~~mortgage, or otherwise, or by~~ nonresidence or disability of any person interested in the mortgage

1 or the real estate, or by any partial payment, agreement, extension, acknowledgment, affidavit or
2 other action not meeting the requirements of this section. All extensions, agreements, affidavits
3 and acknowledgments shall be indexed in the land evidence records under the name of the present
4 landowner. [Upon the expiration of the applicable period provided herein, the mortgage shall be](#)
5 [treated for title purposes as if it had been properly discharged by the record holder thereof.](#)

6 SECTION 2. This act shall take effect one year from its date of passage.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF

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1 This act would clarify and reduce the time after which a recorded mortgage would be
2 unenforceable against real estate securing the mortgage. The act would make an exception for
3 non-amortizing mortgages made by the Rhode Island housing and mortgage finance corporation.

4 This act would take effect one year from its date of passage.

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