

From: Susan J. Steckel <su@steckel-law.com>
Sent: Thursday, April 23, 2020 2:33 PM
Subject: [External] S. 333

Dear Rep. Stevens and Sen. Sirotkin:

I apologize to both of you and your committee members for the confusion yesterday.

Betsy Glynn and I have conferred again with Wendy Morgan and Jean Murray from Legal Aid and through our concerted efforts request the following changes to S.333 for consideration by your respective committees

1) Changing the definition of Foreclosure in Section (a)(3) to read as follows:

(3) "Foreclosure" refers to a foreclosure action brought under 12 V.S.A. chapter 172 against a dwelling house, as defined in 12 V.S.A. § 4931(2), that is occupied. A property shall be deemed occupied unless each of the following is true:

- (a) there are circumstances which would lead a reasonable person to believe that the dwelling unit is no longer occupied as a full-time residence, such as utilities are disconnected, mail in not being delivered, or the unit is empty of typically necessary household furnishing;

- (b) the mortgage is not current; and

- (c) the mortgagee has made reasonable efforts to ascertain the mortgagor's residence and it is not the dwelling house subject to the foreclosure.

2) Deleting the following language in Section (c)(1)

Nothing in this subsection shall operate to stay foreclosure sales, motions for confirmation or confirmation orders with respect to unoccupied properties.:

3) Retaining David Hall's suggested language in green in Section (d)

(d) New foreclosure and ejectment actions. During the emergency period, [after the effective date of this act], a landlord may commence an ejectment action pursuant to 9 V.S.A. chapter 137 and 12 V.S.A. chapter 169, and a residential mortgage lender may commence a foreclosure action pursuant to 12 V.S.A. chapter 172, subject to the following

4) Deleting the "in hand" language in Section (d)(3) so that it reads as follows:

(3) The plaintiff shall not attempt to serve and a sheriff or constable shall not serve any civil process.

We appreciate your patience and consideration.

Respectfully,
Su Steckel
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