

1st Sub. S.B. 42

LIMITATION ON ACTION TO RECOVER DEFICIENCY FOLLOWING SHORT SALE

Senator **Wayne L. Niederhauser** proposes the following amendments:

1. Page 2, Line 34:

34 (d) "Secured loan" means ~~{ an obligation evidenced by a note and }~~ a loan or other credit for personal, family, or household purposes secured by a mortgage

2. Page 2, Line 48:

48 (3) Subsection (2) does not apply if the obligor ~~{ has }~~ or owner engaged in fraud in connection with

3. Page 2, Lines 50 through 55:

50 (4) ~~{ The limitation under }~~ Subsection (2) does not apply to ~~{ an obligation evidenced by }~~
an

51 agreement that:

52 ~~{ (a) is separate from the secured loan; }~~

53 ~~{ (b) }~~ (a) is executed :

(i) between ~~{ an obligor }~~ one or more obligors under a secure loan and ~~{ a }~~ the
secured lender ; and

(ii) in connection with a short sale;

54 and

55 ~~{ (c) }~~ (b) obligates ~~{ the }~~ an obligor to pay some or all of a deficiency.