

SESSION OF 2013

SUPPLEMENTAL NOTE ON HOUSE BILL NO. 2204

As Amended by House Committee on Judiciary

Brief*

HB 2204 would amend a provision allowing a mortgagor to agree in the mortgage instrument to a shorter period of redemption than 12 months or wholly waive the period of redemption. The bill would clarify that an existing exception for mortgages covering single- or two-family dwellings owned by or held in trust for natural persons would be applicable only when held in trust by natural persons owning or holding the dwelling as their residence. Further, it would amend the law concerning who may redeem to clarify that the creditor must have a claim on the property that is the subject of the foreclosure.

Background

In the House Committee on Judiciary, a representative of the Kansas Bankers Association appeared in support of the bill. No others offered testimony.

The House Committee amended the bill to strike the requirement that a residence be the “principal” residence of natural persons and replaced it with the requirement that the dwelling is “their” residence.

The Division of the Budget’s fiscal note for the bill, as introduced, indicates passage would have no impact on the judicial branch.

*Supplemental notes are prepared by the Legislative Research Department and do not express legislative intent. The supplemental note and fiscal note for this bill may be accessed on the Internet at <http://www.kslegislature.org>