

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that Engrossed Senate Bill 492 be amended to read as follows:

- 1 Page 10, delete lines 26 through 35.
- 2 Page 13, between lines 27 and 28, begin a new line blocked left and
- 3 insert:
- 4 **"As long as the creditor provides evidence to the court that the**
- 5 **notice required under this subsection was mailed in compliance**
- 6 **with this subsection and subsection (b), it is not necessary that the**
- 7 **debtor accept receipt of the notice."**
- 8 Page 13, line 33, delete "11(h)" and insert "**11(g) and 11(i)**".
- 9 Page 14, line 12, after "agreement;" insert "**or**".
- 10 Page 14, line 13, delete "loan; or" and insert "**loan**".
- 11 Page 14, delete lines 16 through 19.
- 12 Page 14, line 21, delete "subject to this" and insert "**for which a**
- 13 **notice under section 9(c) of this chapter and a settlement**
- 14 **conference under section 11 of this chapter are required,"**.
- 15 Page 14, line 22, delete "chapter".
- 16 Page 15, line 25, delete "a transaction history for the mortgage,
- 17 including".
- 18 Page 15, delete line 28.
- 19 Page 15, line 29, delete "(C)" and insert "**(B)**".
- 20 Page 15, line 30, after "on" insert "**the**".
- 21 Page 15, line 31, delete "(D)" and insert "**(C)**".
- 22 Page 16, line 7, after "attorney" insert "**or an authorized**
- 23 **representative**".
- 24 Page 16, line 8, delete "and" and insert "**and, if the authorized**

1 **representative is not at the settlement conference,".**
2 Page 17, line 5, before "If" insert **"If the settlement conference**
3 **results in an outcome described in subdivision (2), and is later**
4 **concluded without the debtor and creditor being able to agree on**
5 **the terms of a foreclosure prevention agreement, the creditor shall**
6 **file with the court a notice indicating that a foreclosure prevention**
7 **agreement was not reached."**
8 Page 17, line 5, after "this section" delete "results in an" and insert
9 **"fails to result in a foreclosure prevention agreement,".**
10 Page 17, line 6, delete "outcome described in subdivision (1),".
11 Page 17, between lines 18 and 19, begin a new paragraph and insert:
12 **"(i) A settlement conference under this chapter is not required**
13 **if:**
14 **(1) the court finds that a settlement conference would be of**
15 **limited value based on the result of a prior loss mitigation**
16 **effort between the debtor and the creditor, other than a**
17 **foreclosure prevention agreement under this chapter; or**
18 **(2) the creditor is not required to send the notices under this**
19 **chapter."**
20 Renumber all SECTIONS consecutively.
(Reference is to ESB 492 as printed April 10, 2009.)

Representative Burton