

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WITHDRAWN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 3, line 18, delete "IC 32-30-10.5-9(a)," and insert
- 2 **"IC 32-30-10.5-8(a)"**.
- 3 Page 10, line 27, after "10." insert **"(a)"**.
- 4 Page 10, line 30, after "(2)" insert **"except as provided in**
- 5 **subsection (b)"**.
- 6 Page 10, between lines 35 and 36, begin a new paragraph and insert:
- 7 **"(b) The sheriff is not required to record the deed of conveyance**
- 8 **for the premises under subsection (a)(2) if the mortgage involved**
- 9 **in the foreclosure action resulting in the foreclosure sale under this**
- 10 **chapter was insured by the United States Department of Housing**
- 11 **and Urban Development."**
- 12 Page 11, line 13, delete "IC 32-30-10.5-9(a)" and insert
- 13 **"IC 32-30-10.5-8(a)"**.
- 14 Page 13, delete lines 8 through 10.
- 15 Page 13, line 11, delete "9." and insert **"8."**
- 16 Page 13, line 13, delete "11(g)" and insert **"10(g)"**.
- 17 Page 13, between lines 27 and 28, begin a new line blocked left and
- 18 insert:
- 19 **"If the creditor provides evidence to the court that the notice**
- 20 **required under this subsection was mailed in compliance with this**
- 21 **subsection and subsection (b), it is not necessary that the debtor**
- 22 **accept receipt of the notice for an action to proceed as allowed**
- 23 **under this chapter."**
- 24 Page 13, line 33, delete "11(h)" and insert **"10(g)"**.

- 1 Page 14, line 12, after "agreement;" insert "**or**".
- 2 Page 14, line 15, delete "loan; or" and insert "**loan.**".
- 3 Page 14, delete lines 16 through 19.
- 4 Page 14, line 20, delete "10." and insert "**9.**".
- 5 Page 14, line 21, delete "subject to this" and insert "**for which a**
- 6 **notice under section 8(c) of this chapter and a settlement**
- 7 **conference under section 10 of this chapter are required,**".
- 8 Page 14, line 22, delete "chapter".
- 9 Page 14, line 24, delete "9(c)" and insert "**8(c)**".
- 10 Page 14, line 27, delete "9(c)" and insert "**8(c)**".
- 11 Page 14, line 28, delete "9(c)" and insert "**8(c)**".
- 12 Page 14, line 31, delete "9(c)" and insert "**8(c)**".
- 13 Page 14, line 32, delete "9(c)" and insert "**8(c)**".
- 14 Page 14, line 37, delete "9(a)" and insert "**8(a)**".
- 15 Page 14, line 39, delete "11." and insert "**10.**".
- 16 Page 14, line 42, delete "9(c)" and insert "**8(c)**".
- 17 Page 15, line 25, delete "a transaction history for the mortgage,
- 18 including".
- 19 Page 15, delete line 28.
- 20 Page 15, line 29, delete "(C)" and insert "**(B)**".
- 21 Page 15, line 30, after "on" insert "**the**".
- 22 Page 15, line 31, delete "(D)" and insert "**(C)**".
- 23 Page 17, line 5, before "If" insert "**If the settlement conference**
- 24 **held under this section results in an outcome described in**
- 25 **subdivision (2) and the continuing negotiations described in**
- 26 **subdivision (2) are later concluded without the debtor and creditor**
- 27 **being able to agree on the terms of a foreclosure prevention**
- 28 **agreement, the creditor shall file with the court a notice indicating**
- 29 **that a foreclosure prevention agreement was not reached.**".
- 30 Page 17, line 6, after "(1)," insert "**or if continuing negotiations**
- 31 **described in subdivision (2) are later concluded without the debtor**
- 32 **and creditor being able to agree on the terms of a foreclosure**
- 33 **prevention agreement,**".
- 34 Page 17, line 14, delete "9" and insert "**8**".
- 35 Page 17, between lines 18 and 19, begin a new paragraph and insert:
- 36 "**(i) A settlement conference under this chapter is not required**
- 37 **if:**
- 38 **(1) the court finds that a settlement conference would be of**
- 39 **limited value based on the result of a prior loss mitigation**
- 40 **effort between the debtor and the creditor, other than a**
- 41 **foreclosure prevention agreement under this chapter; or**
- 42 **(2) the creditor is not required to send the notices under this**
- 43 **chapter.**".
- 44 Page 17, line 19, delete "12." and insert "**11.**".
- 45 Page 17, line 27, delete "9(c)" and insert "**8(c)**".
- (Reference is to ESB 492 as printed April 10, 2009.)

Representative Burton