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HOUSE BILL 26

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Brian Egolf

AN ACT

RELATING TO REAL PROPERTY; ENACTING THE FORECLOSURE FAIRNESS  
ACT; ALLOWING RECOVERY OF ATTORNEY FEES FOR THE PREVAILING  
DEFENDANT IN A FORECLOSURE ACTION.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be  
cited as the "Foreclosure Fairness Act".

SECTION 2. [NEW MATERIAL] FORECLOSURE--ATTORNEY FEES--  
COSTS.--

A. The court shall award reasonable attorney fees  
and costs to a defendant who prevails in a claim of foreclosure  
on a mortgage note or deed of trust secured by the defendant's  
primary residence; provided that the plaintiff in such an  
action is not an individual bringing the claim on the  
individual's own behalf or on behalf of a sole proprietorship

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1 owned by the plaintiff.

2 B. For the purposes of this section, a defendant  
3 who exercises the defendant's right of reinstatement or  
4 redemption shall not be considered a prevailing party.

5 SECTION 3. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is July 1, 2015.

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