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An Act To Provide Prevailing Mortgagors Attorney's Fees in the Foreclosure Process

Be it enacted by the People of the State of Maine as follows:

Sec. 1. 14 MRSA §6101, as amended by PL 1981, c. 429, §1, is further amended to read:

§ 6101. Attorney's fees

For the foreclosure of a mortgage by any method authorized by this chapter, if the mortgagee prevails, the mortgagee or the person claiming under ~~him~~the mortgagee may charge a reasonable attorney's fee which ~~shall be~~is a lien on the mortgaged estate, and ~~shall~~must be included with the expense of publication, service and recording in making up the sum to be tendered by the mortgagor or the person claiming under ~~him~~the mortgagor in order to be entitled to redeem, provided the sum has actually been paid in full or partial discharge of an attorney's fee. If the mortgagor prevails, upon motion to the court, the court may order the mortgagee to pay the mortgagor's reasonable court costs and attorney's fees incurred in defending against the foreclosure.

SUMMARY

This bill allows a mortgagor to recover court costs and attorney's fees if the mortgagor prevails in a foreclosure action.