

**FIFTY-FIRST LEGISLATURE  
FIRST SESSION, 2013**

February 8, 2013

Mr. Speaker:

Your **JUDICIARY COMMITTEE**, to whom has been referred

**HOUSE BILL 88**

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. On page 1, lines 19 through 24, strike Subsection A in its entirety and insert in lieu thereof:

"A. In a civil action for foreclosure of a real estate mortgage or deed of trust, the court shall award reasonable attorney fees and costs to a prevailing party, if the prevailing party is an individual and the real property secured by the mortgage or deed of trust is the primary residence of the individual; provided that the non-prevailing party is a person other than an individual or an individual doing business as a sole proprietorship."

2. On page 1, line 25, strike "defendant" and insert in lieu thereof "person".

3. On page 2, line 1, strike "the defendant's" and insert in lieu thereof "a".

4. On page 2, between lines 2 and 3, insert the following new section:

**"SECTION 3. OTHER RIGHTS UNAFFECTED.--**The Foreclosure Fairness Act shall not modify any other party's right to recovery or award of attorney fees or costs that may be granted by statute or agreement."

5. Renumber the succeeding section accordingly.

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Respectfully submitted,

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Gail Chasey, Chairwoman

Adopted \_\_\_\_\_  
(Chief Clerk)

Not Adopted \_\_\_\_\_  
(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 5 Against  
Yes: 10  
No: Brown, Cook, Fajardo, McMillan, Pacheco  
Excused: Kane  
Absent: None

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