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FISCAL IMPACT REPORT

ORIGINAL DATE 1/28/15

SPONSOR Padilla LAST UPDATED _____ HB _____

SHORT TITLE Judgment Sales Records and Notices SB 143

ANALYST A. Sánchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates SB27, SB28, SB29, SB30, SB141, and SB142

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

SUMMARY

Senate Bill 143 amends Section 39-5-1 NMSA 1978 clarifying the language for a judicial sale on a residential foreclosure, the posting of the sale and the property description, the recording of the judgment at the county clerk's office, filing notice of the sale by the judgment creditor in the court record and defines home loan and residential property.

Specifically, the bill requires judgment sales by auction between 9 a.m. and 5 p.m.; notice in the largest paper in the county and posted in six public places; and having the judgment creditor file notice 21 days before the scheduled residential foreclosed home and sending the notice to the homeowner.

FISCAL IMPLICATIONS

The judiciary reports that actions required in SB143 affecting the courts are not expected to have a fiscal impact upon the courts. There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes.

SIGNIFICANT ISSUES

AOC opines that the requirement that judgment creditors file the foreclosure judgment in the county clerk's office, file a notice of each scheduled judgment sale of a foreclosed home, and mail notice of the sale to the debtor's last known address strengthen notice protections for the debtor. If more people know about an impending sale, there is a greater chance of a better sale price through more competitive bidding. This, in turn, may reduce the likelihood of a deficiency judgment burdening the debtor.

COMPANIONSHIP

Companion to SB 29, SB 30, SB 141, and SB 142

ABS/bb