

# Index

## **ABANDONMENT**

Mortgage foreclosure and abandonment of levy, § 5:2

## **ACCELERATION CLAUSE**

Mortgage foreclosure, § 8:3

## **ACKNOWLEDGMENTS**

Mortgage, certificate of acknowledgment of, § 11:7 (Form)

## **ACTION TO FORECLOSE MORTGAGE**

Generally, § 2:1 et seq., App. D

Commencement of action, § 2:3

Complaint, § 2:7

Conformity to civil action, § 2:1

Counterclaim, § 2:8, 4:14

Defined, § 2:1

De terris proceeding, § 2:1, 2:4

Encumbrancers as parties to action, § 2:4

Execution of judgment, § 2:9

Judgment, § 2:9

Junior mortgagees as parties to action, § 2:4

More than one cause of action, pleading for, § 2:6

Parties to action, § 2:4

Pleadings

Complaint, § 2:7

Counterclaim, § 2:8, 4:14

More than one cause of action, pleading, § 2:6

Quasi in rem proceeding, § 2:1, 2:4

Release of liability, § 2:4

Requirements, App. D

Service of process, § 2:5

Trial without jury, § 2:10

Venue, § 2:2

## **ACT VI**

See Residential Mortgages of \$50,000 or Less, Act VI, this index

## **AFFIDAVITS**

Mortgage foreclosure sale, § 5:2

## **AGREEMENTS**

See Contracts and Agreements, this index

## **ASSIGNMENTS**

Generally, § 9:4

## MORTGAGES

### **ASSIGNMENTS—Cont'd**

- Bond and mortgage, of, § 11:4 (Form)
- Compulsory assignment of mortgage, § 8:8
- Rents, of, § 8:10

### **ASSUMPTION**

- Mortgage, § 8:4, 8:7

### **ATTORNEYS' FEES**

- Mortgages and mortgage foreclosure, excessive fee defense, § 4:9
- Residential mortgages of \$50,000 or less, Art VI, § 3:8

### **AUTOMATIC STAY**

- Mortgage, effect of filing bankruptcy on, § 8:9

### **BANKING DEPARTMENT**

- Residential real estate transactions, rules and regulations for, App. F

### **BANKRUPTCY**

- Bankruptcy Abuse Prevention and Consumer Protection Act of 2005, § 8:9
- Chapter 7 liquidation, § 8:9
- Chapter 11 reorganization, § 8:9
- Chapter 13 rehabilitation, § 8:9
- Mortgages and mortgage foreclosure, defense against, § 4:10, 8:9
- Types of, § 8:9

### **BONDS**

- Assignment of bond and mortgage, § 11:4 (Form)
- Mortgage foreclosure, security for sheriff, § 5:2
- Note, action on the, § 1:3, 7:3
- Warrant, bond and, § 11:3 (Form)

### **CERTIFICATES AND CERTIFICATION**

- Mortgage, certificate of acknowledgment of, § 11:7 (Form)
- Praecipe for writ of execution, § 11:12 (Form)

### **CLOGGING DOCTRINE**

- Generally, § 8:12

### **COMMENCEMENT OF ACTION**

- Deficiency judgment, § 6:7
- Foreclose mortgage, action to, § 2:3

### **COMPLAINT**

- Confession of judgment, § 7:7, 11:11 (Form)
- Foreclose mortgage, action to, § 2:7
- Mortgage foreclosure, complaint in, § 11:1 (Form)

### **CONFESSION OF JUDGMENT**

- Generally, § 1:3, 7:4 et seq., App. C
- Action defined, § 7:5
- Act VI, § 1:3
- Amendments, § 7:5, 7:16

## INDEX

### CONFESSION OF JUDGMENT—Cont'd

- Amounts claimed, § 7:12
- Assignee, judgment in name of, § 7:9
- Complaint, § 7:7, 11:11 (Form)
- Concurrency of actions, § 7:19
- Conforming amendments, § 7:5
- Construction of requirements, § 7:6
- Consumer credit transactions, § 7:5
- Definitions, § 7:5
- Effective date, § 7:16
- Ejectment, § 1:3
- Entry of judgment, § 7:11
- Execution of judgment, § 7:11
- Filing documents, § 7:6
- Format, § 7:10
- Forms, § 7:17
- Holder, judgment in name of, § 7:9
- Items claimed, § 7:12
- Leases executed by natural persons, residential, § 7:18
- Methods of proceeding, § 7:6
- Money, confession of judgment for; generally, § 7:5 et seq.
- Notice, § 7:5, 7:13
- Opening judgment
  - Jury trial, § 7:15
  - Proceedings upon, § 7:15
  - Striking off or, § 7:14
  - Waiver, § 7:15
- Pending actions, applications to, § 7:5
- Pleadings
  - Complaint, § 7:7
  - Opening judgment, § 7:14, 7:15
  - Striking off or opening judgment, § 7:14
- Possession of real property, for, § 7:18
- Praecipe for writ of execution, § 7:12, 11:9 (Form), 11:12 (Form)
- Provisions, **App. C**
- Residential mortgages of \$50,000 or less, § 1:3, 3:9, **App. C**
- Sample form, § 11:11 (Form), 11:17 (Form)
- Striking off or opening judgment, § 7:14, 11:16 (Form)
- Successive actions, § 7:8
- Transferee, judgment in name of, § 7:9
- Waivers, § 7:13, 7:15
- Warrant of attorney, § 7:6

### CONSUMER CREDIT TRANSACTION

- Confession of judgment, § 7:5
- Defined, § 6:2

### CONTINUANCE

- Mortgage foreclosure, abandonment of levy, § 5:2

## MORTGAGES

### CONTRACTS AND AGREEMENTS

- Forbearance agreements, § 8:1
- Installment land contracts, § 1:5
- Subordination agreements, § 8:11

### COSTS, FEES, AND EXPENSES

- Attorneys' fees
  - Mortgages and mortgage foreclosure, excessive fee defense, § 4:9
  - Residential mortgages of \$50,000 or less, Art VI, § 3:8
- Mortgage foreclosure sale, recovery of sheriff's expenses and fees, § 5:2

### COUNTERCLAIMS

- Ejectment action, § 7:2
- Foreclose mortgage, action to, § 2:8, 4:14

### DAMAGES

- Mortgage-borrower and lender, duties regarding damages to premises by wrongdoer, § 8:13

### DATE

- See Time and Date, this index

### DECREES

- See Judgments and Decrees, this index

### DEEDS

- Absolute deed construed as mortgage, § 1:5
- Deed in lieu of foreclosure, § 1:5, 8:1
- Forbearance agreements, § 8:1
- Mortgage foreclosure sale, sheriff's deed to property, § 5:2
- Sheriff's deed to property, § 5:2
- Trust deeds and mortgage foreclosure sale, § 1:5

### DEFAULT

- Acceleration and default, avoiding foreclosure, § 8:3
- Residential mortgages of \$50,000 or less, right to cure default, § 3:6

### DEFENSES

- Mortgages and Mortgage Foreclosure, this index

### DEFICIENCY JUDGMENT

- Generally, § 1:4, 6:1 et seq.
- Absence of petition, action in, § 6:2, 6:7
- Action on petition, § 6:2, 6:6
- Adjusted value defined
  - 6:2
- Collection of balance due on judgment; Section 8103(a) provisions, § 6:3
- Commencement of action, § 6:7
- Consumer credit transaction defined, § 6:2
- Debtor defined, § 6:2
- Deficiency court defined, § 6:2
- Deficiency Judgment Act, § 6:2

## INDEX

### **DEFICIENCY JUDGMENT—Cont'd**

- Definitions, § 6:2, 6:9
- Fair market value of property, generally, § 6:3, 6:4
- Foreign collateral, § 6:2
- Highest value adjusted value land defined, § 6:2
- Historical background, § 6:1
- Judgment creditor defined, § 6:2
- Judgment defined, § 6:2
- Nonconsumer judgment creditor defined, § 6:2
- Nonrecourse portion of obligation, § 6:2
- Notice, failure to give, § 6:2, 6:5, 6:8
- Partial recourse obligation, § 6:2
- Real property collateral, § 6:2
- Recourse portion of the obligation defined, § 6:2
- Satisfaction of judgment, § 6:10
- Six months limitations for commencement of action, § 6:7
- Valuation petition, § 6:2
- Waiver of notice and service provisions prohibited, § 6:8

### **DE TERRIS PROCEEDING**

- See Quasi in Rem Proceeding, this index

### **DISCHARGE**

- See Release or Discharge, this index

### **DISCLOSURES**

- Residential mortgages of \$50,000 or less, Art VI, § 3:5

### **DISSOLUTION**

- See Bankruptcy, this index

### **DUE-ON-ENCUMBRANCE CLAUSES**

- Mortgages, § 8:5

### **DUE-ON-SALE CLAUSE**

- Federal Home Loan Bank Board adopting regulations to insert, § 8:5
- Mortgages, § 8:5

### **DUE PROCESS**

- Confession of judgment, request for prompt hearing limited to issue ow waiver of due process, § 7:13
- Mortgage foreclosure sale, notice of, § 5:2

### **EJECTMENT**

- Confession of judgment, § 1:3
- Mortgages and mortgage foreclosure, § 7:2

### **ENTRY OF JUDGMENT**

- Confession of judgment, § 7:11

### **EQUITY**

- Foreclosure in equity, § 1:4, 1:6, 7:1

## MORTGAGES

### EXECUTION OF JUDGMENT

- Confession of judgment, § 7:11, 7:12
- Ejectment, § 7:2
- Money judgments, conformity to rules governing, § 5:2
- Mortgage foreclosure
  - Generally, § 5:1 et seq.
  - Abandonment of levy, § 5:2
  - Action to foreclose mortgage, § 2:9
  - Confession of judgment, § 7:11, 7:12
  - Continuance, § 5:2
  - Enforcement of judgment, § 5:1
  - Expiration of writ, § 5:2
  - Levy, § 5:3
  - Money judgments, conformity to rules governing, § 5:2
  - New notice, § 5:2
  - Notice
    - New notice, § 5:2
    - Sale, notice of, § 5:2
    - Sample forms; notice of judgment and execution, § 11:13-11:15 (Forms), 11:19 (Form), 11:20 (Form)
  - Postponement of sale, § 5:2
  - Præcipe for writ of execution, § 11:9 (Form), 11:12 (Form)
  - Prothonotaries, § 5:1
  - Redemption, statutory right of, § 5:5
  - Reissuance of writ, § 5:2
  - Service of writ, § 5:3
  - Sheriff, security for, § 5:2
  - Stay, § 5:2, 5:4
  - Substitution of writ, § 5:2
  - Supplementary relief in aid of execution, § 5:2
  - Time of receipt of judgment, § 5:2
  - Writ of execution, § 11:9 (Form), 11:10 (Form)
- Prothonotaries, § 5:1

### EXPENSES

- See Costs, Fees, and Expenses, this index

### FEDERAL HOME LOAN BANK BOARD

- Due-on-sale clause, regulations on, § 8:5

### FEDERAL HOUSING ADMINISTRATION

- Generally, § 4:13

### FEES

- See Costs, Fees, and Expenses, this index

### FORECLOSURE

- See Mortgages and Mortgage Foreclosure, this index

## INDEX

### FORMS

- Mortgages and mortgage foreclosure
  - Acknowledgment, certificate of, § 11:7 (Form)
- Bonds
  - Assignment of, § 11:4 (Form)
  - Warrant, bond and, § 11:3 (Form)
- Complaint, § 11:1 (Form)
- Confession of judgment, § 11:11 (Form), 11:17 (Form)
- Consumer credit agency, notice of, § 11:23 (Form)
- Defend, notice to, § 11:1 (Form)
- Execution, writ of, § 11:9 (Form), 11:10 (Form)
- Intent to foreclose, notice of, § 11:21 (Form)
- Judgment and execution, notice of, § 11:13-11:15 (Forms), 11:19 (Form), 11:20 (Form)
- Notice of judgment and execution, § 11:13-11:15 (Forms), 11:19 (Form), 11:20 (Form)
- Praecipe
  - Execution, for writ of, § 11:9 (Form), 11:12 (Form)
  - Possession, for writ of, § 11:18 (Form)
- Release of mortgage, § 11:5 (Form)
- Sale of real property; affidavit, § 5:2 (Form)
- Sample mortgage, § 11:2 (Form)
- Short form mortgage, use of, § 9:2
- Stipulation of general mortgage provisions, § 11:8 (Form)
- Strike judgment, petition to, § 11:16 (Form)
- Veteran's Affairs form, § 11:6 (Form)
- Warrant, bond and, § 11:3 (Form)

### FUTURE ADVANCES

- Mortgage to secure, § 1:6

### GARN-ST. GERMAIN DEPOSITORY INSTITUTIONS ACT OF 1982

- Due-on-sale clause, § 8:5

### GUARANTEED MORTGAGES

- Mortgages and mortgage foreclosure, defense to, § 4:13

### HANDBILLS

- Mortgage foreclosure sale, § 5:2

### HEARINGS

- Confession of judgment, request for prompt hearing limited to issue ow waiver of due process, § 7:13

### HOMEOWNER'S EMERGENCY ASSISTANCE

- Generally, § 10:1 et seq., App. E, App. G
- Eligibility for assistance, § 10:4
- Notice, § 10:3
- Payments, assistance, § 10:5
- Provisions, App. E, App. G
- Temporary stay, § 10:2

## MORTGAGES

### **INDISPENSABLE PARTIES**

Mortgage foreclosure action, failure to join indispensable party as defense to,  
§ 4:3, 4:6

### **INSTALLMENT LAND CONTRACTS**

Law on, **App. A**

### **INSURANCE**

Mortgage-borrower and lender, duties of, § 8:13

### **INTEREST**

Residential mortgages of \$50,000 or less, Art VI, this index

### **JUDGMENTS AND DECREES**

Confession of Judgment, this index  
Deficiency Judgment, this index  
Execution of Judgment, this index

### **JUNIOR MORTGAGES**

Defined, § 1:6

### **JURY TRIAL**

Confession of judgment, opening, § 7:14

### **LEASEBACKS**

Mortgage foreclosure sale, § 1:5

### **LEASEHOLD MORTGAGES**

Defined, § 1:6  
Recording, § 9:1

### **LEASES**

Confession of judgment, § 7:18

### **LIENS**

Mortgages and Mortgage Foreclosure, this index

### **LIQUIDATION**

See Bankruptcy, this index

### **LOANS**

Mortgages and Mortgage Foreclosure, this index

### **MARITAL PROPERTY**

Mortgages and mortgage foreclosure, defense to, § 4:12

### **MARSHALLING DOCTRINE**

Junior lien or mortgages, § 9:6

### **MILITARY SERVICE**

Mortgages and mortgage foreclosure, defense to, § 4:11

### **MONEY, CONFESSION OF JUDGMENT FOR**

See Confession of Judgment, this index



## INDEX

### **MORTGAGE FORECLOSURE SALE**

- Affidavit, § 5:2
- Avoiding judicial sale, § 1:5
- Confession of judgment, notice of execution, § 7:13
- Deficiency Judgment, this index
- Distribution of proceeds, § 5:2
- Lender, purchase by, § 8:13
- Lien creditors as purchasers, § 5:2
- Location of property in more than one county, § 5:2
- Notice of, § 1:3, 3:6, 5:2
- Postponement, § 5:2
- Power of sale mortgages, § 1:5
- Private sale, § 1:5
- Sale-leaseback, § 1:5
- Setting aside sale, § 5:2, 5:4
- Sheriff's sale. Police, Sheriffs, and Other Officers, this index
- Trust deeds, § 1:5

### **MORTGAGES AND MORTGAGE FORECLOSURE**

- Generally, § 1:1 et seq.
- Absolute deed construed as mortgage, § 1:5
- Acceleration and default, § 8:3
- Acknowledgment, certificate of, § 11:7 (Form)
- Action to Foreclose Mortgage, this index
- Act VI. Residential Mortgages of \$50,000 or Less, Act VI, this index
- Amicable actions, § 1:5
- Assignments
  - Generally, § 9:4
  - Bond and mortgage, of, § 11:4 (Form)
  - Compulsory assignment of mortgage, § 8:8
  - Rents, of, § 8:10
- Assumption of mortgage from original borrower, § 8:4, 8:7
- Attorney's fees, excessive, § 4:9
- Avoiding foreclosures, § 8:1 et seq.
- Bankruptcy, effect of, § 4:10, 8:9
- Bonds, this index
- Clogging, § 8:12
- Commitment, mortgage, § 1:6
- Compulsory assignment of mortgage, § 8:8
- Confession of Judgment, this index
- Consumer protection, § 3:1 et seq.
- Date. Time and date, below
- Decrees. Judgments and decrees, below
- Deed in lieu of foreclosure, § 1:5
- Defenses
  - Generally, § 3:1 et seq., 4:1 et seq.
  - Answers and new matters, § 4:7
  - Assumption of mortgage by transferee, § 8:7

**MORTGAGES AND MORTGAGE FORECLOSURE—Cont'd**

Defenses—Cont'd

- Attorney's fees, excessive, § 4:9
- Bankruptcy, § 4:10, 8:9
- Counterclaims, § 4:14
- Federally insured mortgages, § 4:13
- Guaranteed mortgages, § 4:13
- Indispensable party, failure to join, § 4:3, 4:6
- Marital property, § 4:12
- Military service, relief for those in, § 4:11
- Notice of intent to foreclose, failure to provide, § 3:6
- Preliminary objections, § 4:2
- Procedures, § 4:1, 4:15
- Set-offs, § 4:14
- Statute of frauds, § 4:5
- Statute of limitations, § 4:4
- Subject matter jurisdiction, lack of, § 4:3
- Substantive defenses, § 4:8
- Taking subject to mortgage, § 8:7
- Truth-in-Lending Act, § 3:5
- Usury, § 3:3, 3:11
- Validity of instrument, § 4:8
- Waiver of, § 4:3

Deficiency Judgment, this index

Definitions, § 1:5

Discharge, § 2:4, 9:5, 11:5 (Form)

Due-on-encumbrance clauses, § 8:5

Due-on-sale clauses, § 8:5

Duties of mortgage-borrower and lender, § 8:13

Ejectment, § 7:2

Endorsement of time on mortgages, § 9:3

Equitable foreclosure, § 1:4, 1:6, 7:1

Extension of mortgage, § 9:5

Federally insured mortgages, § 4:13

\$50,000 or less, residential mortgages of. Residential Mortgages of \$50,000 or Less, Act VI, this index

Forms

Acknowledgment, certificate of, § 11:7 (Form)

Bonds

Assignment of, § 11:4 (Form)

Warrant, bond and, § 11:3 (Form)

Complaint, § 11:1 (Form)

Confession of judgment, § 11:11 (Form), 11:17 (Form)

Consumer credit agency, notice of, § 11:23 (Form)

Defend, notice to, § 11:1 (Form)

Execution, writ of, § 11:9 (Form), 11:10 (Form)

Intent to foreclose, notice of, § 11:21 (Form)

## INDEX

### MORTGAGES AND MORTGAGE FORECLOSURE—Cont'd

#### Forms—Cont'd

Judgment and execution, notice of, § 11:13-11:15 (Forms), 11:19 (Form),  
11:20 (Form)

Notice of judgment and execution, § 11:13-11:15 (Forms), 11:19 (Form),  
11:20 (Form)

#### Praecipe

Execution, for writ of, § 11:9 (Form), 11:12 (Form)

Possession, for writ of, § 11:18 (Form)

Release of mortgage, § 11:5 (Form)

Sale of real property; affidavit, § 5:2 (Form)

Sample mortgage, § 11:2 (Form)

Short form mortgage, use of, § 9:2

Stipulation of general mortgage provisions, § 11:8 (Form)

Strike judgment, petition to, § 11:16 (Form)

Veteran's Affairs form, § 11:6 (Form)

Warrant, bond and, § 11:3 (Form)

Future advances, mortgage to secure, § 1:6

Guaranteed mortgages, § 4:13

Historical background, § 1:1, 1:2

Homeowner's Emergency Assistance, this index

Housing Finance Agency, **App. G**

Indebtedness, mortgagor limiting, **App. H**

Indispensable party, failure to join, § 4:3, 4:6

Installment land contracts, § 1:5

#### Judgments and decrees

Confession of Judgment, this index

Deficiency Judgment, this index

Execution of Judgment, this index

Strike judgment, petition to, § 11:16 (Form)

Judicial sale. Mortgage Foreclosure Sale, this index

Junior mortgages, § 1:6

Leasehold mortgages, § 1:6

Lien priorities, § 9:3

Marital property as defense, § 4:12

Marshalling doctrine, § 9:6

Military service, relief for those in, § 4:11

Non-recourse mortgages, § 1:6

Note, action on the, § 1:3, 7:3

#### Notice

Borrower, notice to, § 11:22 (Form)

Confession of judgment, § 7:5, 7:13

Consumer credit agency, notice of, § 11:23 (Form)

Defend, notice to, § 11:1 (Form)

Deficiency judgment, § 6:2, 6:4, 6:8

Due process, § 5:2

Intent to foreclose, § 3:6, 11:21 (Form)

**MORTGAGES AND MORTGAGE FORECLOSURE—Cont'd**

Notice—Cont'd

Judgment and execution, notice of, § 11:13-11:15 (Forms), 11:19 (Form),  
11:20 (Form)

Mortgage foreclosure sale, § 1:3, 3:6, 5:2

Requirements, **App. H**

Unobligated advance after notice, **App. H**

Open-ended mortgages, **App. H**

Pleadings, this index

Possession, right to, § 1:4

Praecipe

Execution, for writ of, § 11:9 (Form), 11:12 (Form)

Possession, for writ of, § 11:18 (Form)

Prepayment of mortgage, § 8:6

Purchase-money mortgage, this index, § 1:5

Quiet title proceedings, § 7:2

Recording mortgages

Generally, § 9:1

Master mortgage, § 9:2

Release or discharge, § 2:4, 9:5, 11:5 (Form)

Rent, assignment of, § 8:10

Residential Mortgages of \$50,000 or Less, Act VI, this index

Reverse mortgages, § 1:6

Sale. Mortgage Foreclosure Sale, this index

Satisfaction, § 6:10, 9:5, **App. I**

Second or junior mortgages, § 1:6

Service of process

Action to foreclose mortgage, § 2:5

Confession of judgment, § 7:13

Deficiency judgment, prohibition on waiver of notice and service provisions,  
§ 6:8

Ejectment proceedings, § 7:2

Short form mortgage, use of, § 9:2

Statute of frauds defense, § 4:5

Statute of limitations defense, § 4:4

Stipulation of general mortgage provisions, § 9:2

Subject matter jurisdiction, lack of, § 4:3

Subordination agreements, § 8:11

“Taking subject to” mortgage, § 8:4, 8:7

Time and date

Confession of judgment, effective date, § 7:16

Endorsement of time on mortgages, § 9:3

Notation of time of receipt of judgment, § 5:2

Types of mortgages, § 1:5

Unobligated advance after notice, **App. H**

Validity of instrument defense, § 4:8

Veteran's Affairs form, § 11:6 (Form)

## INDEX

### **MORTGAGES AND MORTGAGE FORECLOSURE—Cont'd**

#### Waivers

Confession of judgment, request for prompt hearing limited to issue waiver of due process, § 7:13

Defenses, waiver of, § 4:3

Deficiency judgment, prohibition on waiver of notice and service provisions, § 6:8

Residential mortgages of \$50,000 or less, Art VI, § 3:10

Wrap-around mortgages, § 1:6, 8:2

### **NON-RECOURSE MORTGAGES**

Defined, § 1:6

### **NOTARIES**

Recording mortgages, § 9:1

### **NOTICE**

Homeowner's Emergency Assistance and temporary stay, § 10:3

Mortgages and Mortgage Foreclosure, this index

### **OBJECTIONS**

Mortgages and mortgage foreclosure, preliminary objections and defenses, § 4:2

### **OFF-SETS**

See Set-offs, this index

### **PENALTIES**

Residential mortgages of \$50,000 or less, usury, § 3:11

### **PLEADINGS**

#### Complaint

Confession of judgment, § 7:7, 11:11 (Form)

Foreclose mortgage, action to, § 2:7

Sample form, § 11:1 (Form)

#### Confession of judgment

Complaint, § 7:7, 11:11 (Form)

Opening judgment, § 7:14, 7:15

Striking off or opening judgment, § 7:14

#### Ejectment, § 7:2

#### Foreclose mortgage, action to

Complaint, § 2:7

Counterclaim, § 2:8

More than one cause of action, pleading, § 2:6

### **POLICE, SHERIFFS, AND OTHER OFFICERS**

Deed to property, sheriff's, § 5:2

Deficiency Judgment, this index

Mortgage foreclosure, sheriff's sale

Deed to property, sheriff's, § 5:2

Deficiency Judgment, this index

Levy, § 5:3

Recovery of sheriff's expenses and fees, § 5:2

## MORTGAGES

### **POLICE, SHERIFFS, AND OTHER OFFICERS—Cont'd**

Mortgage foreclosure, sheriff's sale—Cont'd

Security, § 5:2

Service of writ, § 5:3

Setting aside sale, § 5:2, 5:4

Stay of execution, § 5:4

### **PRELIMINARY OBJECTIONS**

Mortgages and mortgage foreclosure, preliminary objections and defenses, § 4:2

### **PREPAYMENT**

Mortgage provision, § 8:6

### **PRIORITIES**

Liens against real property, § 9:3

### **PROCEEDS OF SALE**

Mortgage foreclosure sale, distribution of proceeds from, § 5:2

### **PROCESS AND SERVICE OF PROCESS AND PAPERS**

Deficiency judgment, prohibition on waiver of notice and service provisions,  
§ 6:8

Ejectment proceedings, § 7:2

Foreclose mortgage, action to, § 2:5

### **PROFITS**

Mortgage-borrower and lender, duties of, § 8:13

### **PROTHONOTARIES**

Mortgage foreclosure, execution of judgment, § 5:1

### **PUBLICATION**

Mortgage foreclosure sale, § 5:2

### **PURCHASE-MONEY MORTGAGE**

Defined, § 1:6

Priorities, § 9:3

Subordination agreement, § 8:11

### **QUASI IN REM PROCEEDING**

Foreclose mortgage, action to, § 2:1, 2:4

### **QUIET TITLE PROCEEDINGS**

Mortgages and mortgage foreclosure, § 7:2

### **REAL PROPERTY**

Deeds, this index

Mortgages and Mortgage Foreclosure, this index

Purchase-money mortgage, this index

Sale of Real Property, this index

### **RECORDS AND RECORDING**

Mortgages, recording

Generally, § 9:1

Master mortgage, § 9:2

## INDEX

### REDEMPTION

Mortgage foreclosure, execution of judgment, § 5:5

### RELEASE OR DISCHARGE

Generally, § 9:5

Foreclose mortgage, action to, § 2:4

Mortgage, release of; sample form, § 11:5 (Form)

### REMEDIES

Residential mortgages of \$50,000 or less, usury, § 3:11

### RENT

Assignment of rents, § 8:10

Mortgage-borrower and lender, duties of, § 8:13

### REPAIRS

Mortgage-borrower and lender, duties of, § 8:13

### RESIDENTIAL MORTGAGES OF \$50,000 OR LESS, ART VI

Generally, § 3:1

Acceleration clause, § 8:3

Actual settlement costs defined, § 3:2

Adjustable interest rate, § 3:4

Attorney's fees, § 3:8

Confession of judgment, § 1:3, 3:9, App. C

Consumer protection, § 3:1 et seq.

Curing default, § 3:6

Default, right to cure, § 3:6

Definitions, § 1:6, 3:2, App. B

Disclosures, § 3:5

Interest rate

Generally, § 3:4

Adjustable, § 3:4

Usury, § 3:3, 3:11

Variable mortgages, § 3:4

Notice of intent to foreclose requirement, § 3:6

Prepayment, § 3:7

Residential mortgage debtor defined, § 3:2

Security document defined, § 3:2

Special protection under, § 3:5, 3:6

Truth-in-Lending Act, § 3:5

Usury, interest rate, § 3:3, 3:11

Variable interest rate, § 3:4

Waiver, no, § 3:10

### REVERSE MORTGAGES

Defined, § 1:6

### SALE

Mortgage Foreclosure Sale, this index

## MORTGAGES

### **SATISFACTION**

Deficiency judgment, § 6:10

Mortgage Satisfaction Act, § 9:5, App. I

### **SECONDARY MORTGAGE LOAN ACT**

Generally, § 1:6

### **SECOND MORTGAGES**

Defined, § 1:6

### **SERVICE OF PROCESS**

See Process and Service of Process and Papers, this index

### **SET-OFFS**

Mortgages and mortgage foreclosure, defense to, § 4:14

### **SETTING ASIDE**

Mortgage foreclosure sale, § 5:2, 5:4

### **SHERIFFS**

See Police, Sheriffs, and Other Officers

### **STATUTE OF FRAUDS**

Mortgages and mortgage foreclosure, defense against, § 4:5

### **STATUTE OF LIMITATIONS**

Mortgages and mortgage foreclosure, statute of limitations defense, § 4:4

### **STAYS**

Automatic stay and effect of filing bankruptcy on mortgage, § 8:9

Homeowner's Emergency Assistance and temporary stay, § 10:2

Mortgage foreclosure

Abandonment of levy, § 5:2

Execution of judgment, stay of, § 5:4

### **STIPULATIONS**

General mortgage provisions, § 9:2, 11:8 (Form)

### **SUBORDINATION**

Mortgage, subordination of, § 8:11

### **TAXES**

Mortgage-borrower and lender, duties of, § 8:13

### **TIME AND DATE**

Mortgages and Mortgage Foreclosure, this index

### **TITLE**

Quiet title proceedings, § 7:2

### **TRIAL**

Ejectment, § 7:2

Foreclose mortgage, action to, § 2:10

Jury Trial, this index



## **INDEX**

### **TRUST DEEDS**

Mortgage foreclosure sale, § 1:5

### **TRUTH-IN-LENDING ACT**

Residential mortgages of \$50,000 or less, § 3:5

### **USURY**

Residential mortgages of \$50,000 or less, Art VI, § 3:3, 3:11

### **VALUATION**

Deficiency Judgment, this index

### **VENUE**

Ejectment proceedings, § 7:2

Foreclose mortgage, action to, § 2:2

### **VERDICT**

Ejectment, conditional verdict, § 7:2

### **WAIVERS**

Confession of judgment, § 7:13, 7:14

Mortgages and Mortgage Foreclosure, this index

### **WARRANT OF ATTORNEY**

Bond and warrant, § 11:3 (Form)

Confession of judgment, § 1:3, 7:6

### **WASTE**

Mortgage-borrower and lender, duties of, § 8:13

### **WRAP-AROUND MORTGAGES**

Generally, § 8:2

Defined, § 1:6

### **WRIT OF EXECUTION**

See Execution of Judgment, this index