

Index

ABSOLUTE DEED TRANSACTIONS

History of real estate security, **§ 1:6**

ACCELERATION

Due-on-sale clauses, **§ 5:1**

Pre-foreclosure rights and remedies, **§§ 4:2, 4:5**

ACTIVE MILITARY DUTY PERSONNEL

Servicemembers Civil Relief Act, **§ 14:5**

ADVERTISING

Power of sale foreclosure, **§ 8:5**

APPEALS

Confirmation proceedings and deficiency actions, **§ 10:3**

ARMED SERVICES MEMBERS

Servicemembers Civil Relief Act, this index

ASSIGNMENTS

Power of sale foreclosure, **§ 8:1**

Rents assigned as security for debt, **§ 3:3**

ASSUMPTION OF LOAN

Generally, **§ 2:5**

ATTEMPT

Wrongful attempted foreclosure, **§ 9:3**

ATTORNEY'S FEES

Cancellation of record in satisfaction of debt, **§ 6:4**

High cost loans, **§ 6:3**

Satisfaction of debt, **§§ 6:3, 6:4**

ATTORNEYMENT AGREEMENTS

Security for debt, **§ 3:6**

AUTOMATIC STAY

Bankruptcy, **§ 13:3**

BANKRUPTCY

Generally, **§§ 13:1 to 13:9**

Automatic stay, **§ 13:3**

Avoidance of security, **§ 13:2**

Chapter 7 proceeding issues, generally, **§ 13:4**

Cure of defaults and loan modifications, **§ 13:5**

Defaults, cure of, **§ 13:5**

Defenses, **§ 13:6**

BANKRUPTCY—Cont'd

Foreclosure, relationship to, generally, **§ 13:1**
Leases, **§ 13:9**
Modification of loans, cure of, **§ 13:5**
Presumptions, **§ 13:8**
Rents, **§ 13:8**
Third parties, **§§ 13:3, 13:9**
Voidable preferences, **§ 13:6**

BIDDING

Chilling bid, **§ 8:6**
Enforcing bid, **§ 8:6**
Fair market value, **§ 8:6**
Fairness, **§ 8:6**
Power of sale foreclosure, **§ 8:6**
Sales price, **§ 8:6**
Structured bidding, **§ 8:6**
Wrongful foreclosure, **§ 9:2**

BOND FOR TITLE TRANSACTION

History of real estate security, **§§ 1:4, 1:5**

CANCELLATION OF RECORD

Satisfaction of debt, **§ 6:4**

CASUALTY LOSS

Pre-foreclosure rights and remedies, **§ 4:5**

CAUSATION

Wrongful foreclosure, **§ 9:9**

CHILLING BID

Power of sale foreclosure, **§ 8:6**

COLLATERAL

Security for debt, **§§ 3:1, 3:2**

COMMERCIAL REAL ESTATE

Prepayment prohibitions and premiums, **§ 6:2**

COMMON LAW

Constitutional matters, **§ 15:1**
History of real estate security, **§§ 1:1, 1:2**

CONDITIONAL SALES TRANSACTIONS

History of real estate security, **§ 1:6**

CONDOMINIUM ASSESSMENTS

Priorities in case of foreclosure, **§ 11:5**

CONFIRMATION PROCEEDINGS AND DEFICIENCY ACTIONS

Generally, **§§ 10:1 to 10:5**
Appeals, **§ 10:3**
Denial of confirmation, **§ 10:5**

INDEX

CONFIRMATION PROCEEDINGS AND DEFICIENCY ACTIONS—Cont'd

Evidence of true market value and regularity, § 10:3
Federal regulation, § 14:3
Hearings, § 10:1
Jury trial, § 10:1
Nature of proceeding, § 10:1
Notice, § 10:2
Parties, § 10:2
Personality as security, § 10:1
Prior judgment on note, § 10:4
Procedure, § 10:2
Regularity of procedures, § 10:3
Resale following denial of confirmation, § 10:5
Scope, § 10:1
Security for debt, § 3:2
Separate actions, § 10:4
Separate security, § 10:4
Supersedeas bond, § 10:2
True market value, § 10:3
Venue, § 10:1

CONSIDERATION

Indebtedness, § 2:1

CONSTITUTIONAL LAW

Drug related forfeitures, § 14:6
Due Process Clause, this index
Express preemption, § 15:1
Federal common law, § 15:1
Federal Deposit Insurance Corporation, § 14:1
Federal government as junior lienor, § 15:1
Federal judgments, § 15:1
Governing law, § 15:1
Implied preemption, § 15:1
Lien priority, § 15:1
Limitation of actions, § 15:1
Notice and hearing requirements, § 15:3
Power of sale foreclosure, §§ 8:2, 15:1 to 15:3
Preemption, § 15:1
Questions, §§ 15:1 to 15:3
Tax liens and tax sales, requirements, § 12:3
U.S. as party to action, § 15:1

CONTRIBUTION

Priorities in case of foreclosure, § 11:4

CORONAVIRUS

Covid-19 Pandemic, this index

COVENANT NOT TO SUE

Indebtedness, § 2:4

COVID-19 PANDEMIC

Public emergency orders, § 1:7

CRIMINAL OFFENSES

Usury, § 2:2

CROSS-DEFAULT

Pre-foreclosure rights and remedies, § 4:1

CURE

Bankruptcy, cure of defaults and loan modifications, § 13:5

DAMAGES

Bankruptcy, leases, § 13:9

Wrongful foreclosure, §§ 9:8 to 9:11

DEED IN LIEU OF FORECLOSURE

Generally, §§ 6:1 to 6:4

Forms, §§ 16:5, 16:6

DEED TO SECURE DEBT

Forms, §§ 16:2, 16:4

History of real estate security, § 1:5

Judicial foreclosure, § 7:1

DEED UNDER POWER OF SALE

Generally, § 8:10

Forms, § 16:8

DEFAULT

Bankruptcy, cure of defaults and loan modifications, § 13:5

Pre-foreclosure rights and remedies, § 4:1

DEFEASANCE CLAUSE

History of real estate security, § 1:5

DEFEASIBLE FEE SIMPLE MORTGAGE

Generally, § 1:2

DEFENSES

Bankruptcy, §§ 13:2, 13:6

Consideration lacking, § 2:1

DEFICIENCY ACTIONS

Confirmation Proceedings and Deficiency Actions

DEFICIENCY JUDGMENTS

Security for debt, § 3:2

DEFINITIONS

Usury, § 2:2

INDEX

DIRECT PARTICIPATION

Federal regulation, § 14:1

DISCLOSURE

Federal requirements, §§ 14:1, 14:2

DISPOSSESSION ACTIONS

Intentional infliction of emotional distress, § 8:3

Power of sale foreclosure, §§ 8:3, 8:9

DISTRIBUTION OF SALE PROCEEDS

Power of sale foreclosure, § 8:8

DRUG RELATED FORFEITURES

Federal regulation, § 14:6

Innocent owners, § 14:6

DUE PROCESS CLAUSE

Determination of state actor, § 15:2

Drug related forfeitures, § 14:6

Evolution of requirements, § 15:3

Power of sale foreclosure, § 8:2

State actions, §§ 15:2, 15:3

Tax liens and sales, §§ 12:1, 12:3, 12:9

Waiver of borrower's rights, § 15:3

DUE-ON-ENCUMBRANCE CLAUSE

Pre-foreclosure rights and remedies, § 4:1

DUE-ON-SALE CLAUSES

Transferability, § 5:1

EASEMENTS

Tax liens and sales, effect of, § 12:6

EJECTMENT

Pre-foreclosure rights and remedies, § 4:4

EMINENT DOMAIN

Pre-foreclosure rights and remedies, § 4:5

EMOTIONAL DISTRESS

Wrongful foreclosure, § 9:10

ENFORCING BID

Power of sale foreclosure, § 8:6

EQUITABLE SUBROGATION DOCTRINE

Security for debt, § 3:4

EVIDENCE

Confirmation proceedings and deficiency actions, § 10:3

EXEMPLARY DAMAGES

Wrongful foreclosure, § 9:11

EXPRESS PREEMPTION

Constitutional matters, § 15:1

Federal regulation, § 14:2

FAIR MARKET VALUE

Power of sale foreclosure, § 8:6

Tax liens and sales, § 12:6

FARMERS HOME ADMINISTRATION

Federal regulation, §§ 14:1, 14:3

FEDERAL COMMON LAW

Common Law, this index

FEDERAL DEPOSIT INSURANCE CORPORATION

Constitutional matters, § 15:1

Federal regulation, § 14:1

FEDERAL GOVERNMENT AS JUNIOR LIENOR

Constitutional matters, § 15:1

FEDERAL HOUSING ADMINISTRATION

Federal regulation, § 14:1

FEDERAL HOUSING AND FINANCE AGENCY (FHFA)

Due process and state actions, § 15:2

FEDERAL JUDGMENTS

Constitutional matters, § 15:1

FEDERAL REGULATION

Generally, §§ 14:1 to 14:6

Active military duty personnel, § 14:5

Confirmation proceedings and deficiency actions, § 14:3

Direct participation, § 14:1

Direct regulation, § 14:2

Disclosure requirements, §§ 14:1, 14:2

Drug related forfeitures, secured lenders and, § 14:6

Farmers Home Administration, §§ 14:1, 14:3

Federal Deposit Insurance Corporation, § 14:1

Federal Housing Administration, § 14:1

Foreclosure procedures, §§ 8:4, 14:3

Hazardous waste liability, § 14:4

High cost loans, § 14:2

Housing and Economic Recovery Act of 2008, § 14:5

Indirect regulation, § 14:1

Innocent lienholders, § 14:6

Innocent owners, § 14:6

Market disclosure legislation, § 14:2

Notice requirements, § 14:3

Preemption, §§ 14:1, 14:2

Prepayment prohibitions and premiums, § 6:2

INDEX

FEDERAL REGULATION—Cont'd

- Receiverships, power of appointment, **§ 14:3**
- Resolution Trust Corporation, **§ 14:1**
- Secure and Fair Enforcement of Mortgage Licensing Act of 2008, **§ 14:2**
- Servicemembers Civil Relief Act, **§ 14:5**
- Settlement statements, **§ 14:2**
- Single Family Mortgage Foreclosure Act of 1994, **§ 14:3**
- Small Business Administration, **§§ 14:1, 14:3**
- Substantive regulations, **§ 14:2**
- Usury, **§ 14:2**
- Veterans' Administration, **§§ 14:1, 14:3**

FINES, PENALTIES, AND LATE CHARGES

- Drug-related forfeitures, **§ 14:6**
- Servicemembers Civil Relief Act, **§ 14:5**

FIXTURES

- Security for debt, **§ 3:2**

FORECLOSURES

- Condominium assessments, **§ 11:5**
- Contribution, **§ 11:4**
- Deed in Lieu of Foreclosure, this index
- Forms, this index
- History of real estate security, **§ 1:1**
- Impact on leases, **§ 11:3**
- Judicial Foreclosures, this index
- Marshaling of assets, **§ 11:4**
- Power of Sale Foreclosure, this index
- Pre-foreclosure Rights and Remedies, this index
- Priorities, this index
- Procedures, federal regulation, **§ 14:3**
- Protecting Tenants at Foreclosure Act of 2009, **§ 11:3**
- Setting aside
 - denial of confirmation and resale, **§ 10:5**
 - wrongful foreclosure, **§§ 9:4 to 9:6**
- Single Family Mortgage Foreclosure Act of 1994, **§ 14:3**
- Tax liens and tax sales, this index
- Tenants, post-foreclosure rights, **§ 11:3**
- Third party impact. Priorities, this index
- Transferability. Sales and transfers, this index
- Wrongful Foreclosure, this index

FORMS

- Generally, **§§ 16:1 to 16:10**
- Deed in lieu of foreclosure, **§§ 16:5, 16:6**
- Deed to secure debt, **§§ 16:2, 16:4**
- Deed under power of sale, **§ 16:8**
- Failure to honor loan modification and dual tracking violations, request and notice of error regarding, **§ 16:10**

FORMS—Cont'd

- Multifamily deed to secure debt, **§ 16:4**
- Multifamily note, **§ 16:3**
- Notice of sale, **§ 16:7**
- Owner of mortgage loan, request for information regarding, **§ 16:9**
- Promissory note, **§§ 16:1, 16:3**
- Single family note, **§ 16:1**

FORUM

- Setting aside a foreclosure, **§ 9:4**

FRAUDS, STATUTE OF

- Guaranty, **§ 2:6**

FRAUDULENT TRANSFERS

- Bankruptcy, **§ 13:7**
- Uniform Voidable Transactions Act, **§ 5:2**

FUTURE ADVANCES

- Indebtedness, **§ 2:3**

GOOD FAITH

- Wrongful foreclosure, failure to exercise the power of sale in good faith, **§ 9:2**

GOVERNING LAW

- Constitutional law, **§ 15:1**

GUARANTEES

- Indebtedness, **§ 2:6**

HAZARDOUS WASTE LIABILITY

- Federal regulation, **§ 14:4**

HEARINGS

- Confirmation proceedings and deficiency actions, **§ 10:1**
- Judicial tax foreclosure, **§ 12:8**
- Power of sale foreclosure, **§ 8:2**
- Requirements, due process, **§ 15:3**

HIGH COST LOANS

- Generally, **§ 2:11**
- Attorney's fees, **§ 6:3**
- Federal regulation, **§ 14:2**

HOUSING AND ECONOMIC DEVELOPMENT ACT OF 2008 (HERA)

- Due process and state actions, **§ 15:2**

HOUSING AND ECONOMIC RECOVERY ACT OF 2008

- Federal regulation, **§ 14:5**

IDENTIFICATION OF PRIOR ENCUMBRANCES

- Power of sale foreclosure, **§ 8:5**

IMPLIED PREEMPTION

- Constitutional matters, **§ 15:1**

INDEX

INDEBTEDNESS

Generally, §§ 2:1 to 2:11
Alternative remedies, § 2:4
Assumption of loan, § 2:5
Calculation of interest, § 2:2
Consideration, § 2:1
Covenant not to sue, § 2:4
Cumulative remedies, § 2:4
Future advances, § 2:3
Guarantees, § 2:6
High cost home loans, § 2:11
Intangible recording tax, § 2:9
Interest, § 2:2
Liability on note, § 2:4
Limitation of actions, § 2:7
Nonrecourse debt, § 2:4
Open-ended clauses, §§ 2:3, 2:6
Origination of mortgage, § 2:8
Real estate transfer tax, § 2:10
Regulation of interest, § 2:2
Satisfaction of Debt, this index
Security for Debt, this index
Usury, § 2:2

INDIRECT REGULATION

Federal regulation, § 14:1

INJUNCTIVE RELIEF

Wrongful foreclosure, § 9:7

INNOCENT OWNERS

Federal regulation, § 14:6

INSECURITY

Pre-foreclosure rights and remedies, § 4:1

INSTALLMENT LAND SALES CONTRACTS

History of real estate security, § 1:6

INSURANCE

Pre-foreclosure rights and remedies, §§ 4:1, 4:5

INTANGIBLE RECORDING TAX

Indebtedness, § 2:9

INTEREST RATE

Indebtedness, § 2:2

Servicemembers Civil Relief Act, § 14:5

Usury, this index

INTERVENING LIENS

Security for debt, § 3:5

INVESTIGATIONS

Mortgage lenders and brokers, § 2:8

JUDICIAL FORECLOSURES

Generally, §§ 7:1 to 7:3

Identification of prior encumbrances, § 8:5

Necessary parties, § 7:2

Omitted junior lienors, § 7:3

Proper parties, § 7:2

Tax foreclosures, § 12:8

JUNIOR LIENORS

Federal government as junior lienor, § 15:1

Omitted junior lienors, § 7:3

JUNIOR LIENS

Judicial foreclosure, § 7:3

Priorities in case of foreclosure, § 11:1

JURISDICTION

Tax liens and tax sales, § 12:3

JURY TRIAL

Confirmation proceedings and deficiency actions, § 10:1

LEASES

Bankruptcy, § 13:9

Priorities in case of foreclosure, § 11:3

Security for debt, §§ 3:5, 3:6

LICENSING

Mortgage lenders and brokers, § 2:8

Secure and Fair Enforcement of Mortgage Licensing Act of 2008, § 14:2

LIENS

Nature of mortgages generally, § 1:3

Priorities, this index

Property taxes, § 12:2

Tax Liens and Tax Sales, this index

LIMITATION OF ACTIONS

Constitutional matters, § 15:1

Indebtedness, § 2:7

Wrongful foreclosure, § 9:12

MARKET DISCLOSURE LEGISLATION

Federal regulation, § 14:2

MARKET VALUE

Confirmation proceedings and deficiency actions, § 10:3

Fair market value, § 8:6

Power of sale foreclosure, § 8:6

Tax liens and sales, § 12:6

INDEX

MARKET VALUE—Cont'd

True market value, § 10:3

MARSHALING

Priorities in case of foreclosure, § 11:4

MERGER OF ESTATES

Satisfaction of debt, § 6:1

MITIGATION

Wrongful foreclosure, loss mitigation abuses, § 9:2

MORTGAGE ELECTRONIC REGISTRATION SYSTEMS (MERS)

Generally, § 5:4

MORTGAGE LENDERS AND BROKERS

Licensing, § 2:8

Secure and Fair Enforcement of Mortgage Licensing Act of 2008, § 14:2

MULTIPLE NOTES

Security for debt, § 3:4

MULTIPLE SECURITY DEEDS

Security for debt, § 3:4

NATURE OF REAL ESTATE SECURITY

Generally, §§ 1:1 to 1:6

NECESSARY PARTIES

Judicial foreclosure, § 7:2

NONDISTURBANCE AGREEMENTS

Security for debt, § 3:6

NONRECOOURSE DEBT

Indebtedness, § 2:4

NOTICE

Confirmation proceedings and deficiency actions, § 10:2

Failure to honor loan modification and dual tracking violations, request and notice of error regarding, § 16:10

Federal regulation, § 14:3

Forms, § 16:7

Guaranty action, § 2:6

Judicial confirmation of foreclosure sale, § 2:6

Judicial foreclosure, § 7:2

Power of sale foreclosure, §§ 8:2, 8:3

Requirements, due process, § 15:3

Tax Liens and Tax Sales, this index

OPEN-ENDED CLAUSES

Guaranty, § 2:6

Indebtedness, §§ 2:3, 2:6

ORIGINATION OF MORTGAGE

Indebtedness, § 2:8

PARTIES

Confirmation proceedings and deficiency actions, § 10:2
Judicial foreclosure, § 7:2

PERSONAL PROPERTY

Personalty, this index

PERSONALTY

Ad valorem taxation, § 12:2
Confirmation proceedings and deficiency actions, § 10:1
Mixed collateral, § 3:2
Nature of collateral, § 3:1
Rents and profits, § 3:3

POWER OF SALE FORECLOSURE

Generally, §§ 8:1 to 8:10
Advertising, § 8:5
Chilling bid, § 8:6
Conduct of sale, § 8:6
Confirmation Proceedings and Deficiency Actions, this index
Constitutional matters, §§ 8:2, 15:1 to 15:3
Date of sale, § 8:5
Deed under
 generally, § 8:10
 form of, § 16:8
Deficiency actions. Confirmation Proceedings and Deficiency Actions, this index
Description of property in advertising, § 8:5
Dispossession actions, § 8:9
Distribution of sale proceeds, § 8:8
Effect of sale, § 8:9
Enforcing bid, § 8:6
Equity of redemption, § 8:7
Fair market value, § 8:6
Federal restrictions on initiation of foreclosures and conduct of sale, § 8:4
Identification of parties, § 8:5
Identification of prior encumbrances, § 8:5
Nature, § 8:1
Notice, §§ 8:2, 8:3
Place of sale, § 8:5
Purchaser, § 8:7
Redemption, § 8:7
Sales price, § 8:6
Structured bidding, § 8:6
Tenant protections, § 8:9
Time of sale, § 8:5
Uniform Voidable Transactions Act, § 5:2

INDEX

POWER OF SALE FORECLOSURE—Cont'd

Waiver, § 8:3

PREEMPTION

Constitutional matters, § 15:1
Federal regulation, §§ 14:1, 14:2

PRE-FORECLOSURE RIGHTS AND REMEDIES

Generally, §§ 4:1 to 4:5
Acceleration, §§ 4:2, 4:5
Casualty loss, § 4:5
Cross-default, § 4:1
Default, § 4:1
Due-on-encumbrance clause, § 4:1
Ejectment, § 4:4
Eminent domain, § 4:5
Insecurity, § 4:1
Insurance payment failure, §§ 4:1, 4:5
Prepayment premium, § 4:5
Receivership, §§ 4:1, 4:3
Reinstatement, § 4:2
Tax payment failure, § 4:1
Waiver of default, § 4:1
Waste, § 4:1

PREPAYMENT PROHIBITIONS AND PREMIUMS

Federal law, § 6:2
Pre-foreclosure rights and remedies, § 4:5
Satisfaction of debt, § 6:2

PRESUMPTIONS

Bankruptcy, § 13:6

PRIOR JUDGMENT ON NOTE

Confirmation proceedings and deficiency actions, § 10:4

PRIORITIES

Generally, §§ 11:1 to 11:5
Condominium assessments, § 11:5
Constitutional matters, § 15:1
Contribution, § 11:4
Intervening liens, § 3:5
Junior liens
 junior lien, impact of foreclosure on senior lien, § 11:2
 senior lien, impact of foreclosure on junior lien, § 11:1
Leases, § 11:3
Marshaling, § 11:4
Protecting Tenants at Foreclosure Act of 2009, § 11:3
Senior liens
 junior lien, impact of foreclosure on senior lien, § 11:2
 senior lien, impact of foreclosure on junior lien, § 11:1

REAL ESTATE FINANCE AND FORECLOSURE

PRIORITIES—Cont'd

Tenants, post-foreclosure rights, **§ 11:3**

PROMISSORY NOTES

Confirmation proceedings and deficiency actions following action on, **§ 10:4**

Documentary recording tax, **§ 2:9**

Forms, **§§ 16:1, 16:3**

Intangible recording tax, **§ 2:9**

Liability on, **§ 2:4**

Recording tax, **§ 2:9**

Security deed and promissory note together, **§ 3:7**

Transfers, **§ 5:3**

PROTECTING TENANTS AT FORECLOSURE ACT OF 2009

Priorities, post-foreclosure rights, **§ 11:3**

PUNITIVE DAMAGES

Wrongful foreclosure, **§ 9:11**

REAL ESTATE SECURITY, NATURE OF

Generally, **§§ 1:1 to 1:7**

Absolute deed transactions, **§ 1:6**

Bond for title transaction, **§§ 1:4, 1:5**

Common law, **§§ 1:1, 1:2**

Conditional sales transactions, **§ 1:6**

Covid-19 Pandemic, public emergency orders and, **§ 1:7**

Deed to secure debt, generally, **§ 1:5**

Defeasance clause, **§ 1:5**

Defeasible fee simple mortgage, **§ 1:2**

English antecedents, **§ 1:2**

First century of Georgia law, **§ 1:3**

Foreclosure generally, **§ 1:1**

Installment land sales contracts, **§ 1:6**

Lien nature of mortgages generally, **§ 1:3**

Power of sale foreclosure, **§ 8:1**

Public emergency orders and Covid-19 Pandemic, **§ 1:7**

Redemption, **§ 1:2**

Sales of tax liens, **§ 12:9**

Second century of Georgia law, **§ 1:5**

Secured creditor's rights, **§ 1:5**

Substitutes for mortgages, **§ 1:6**

Surviving spouse's right to year's support, **§ 1:4**

Transition period: 1850-1872, **§ 1:4**

Welsh mortgage, **§ 1:2**

REAL ESTATE TRANSFER TAX

Indebtedness, **§ 2:10**

RECEIVERSHIPS

Federal regulation, power of appointment, **§ 14:3**

Pre-foreclosure rights and remedies, **§§ 4:1, 4:3**

INDEX

RECORDS

Cancellation in satisfaction of debt, **§ 6:4**

REDEMPTION

Equity of redemption, **§ 8:7**

History of real estate security, **§ 1:2**

Post-sale redemption, **§ 12:8**

Power of sale foreclosure, **§ 8:7**

Right to, generally, **§ 6:1**

Tax liens and sales, **§§ 12:7, 12:8**

REINSTATEMENT

Pre-foreclosure rights and remedies, **§ 4:2**

RENTS

Assignment as security for debt, **§ 3:3**

Bankruptcy, **§ 13:8**

Responsibility for rents collected, **§ 3:3**

RESALE

Confirmation proceedings and deficiency actions, **§§ 10:3, 10:5**

RESOLUTION TRUST CORPORATION

Federal regulation, **§ 14:1**

RESPONSIBILITY FOR RENTS COLLECTED

Generally, **§ 3:3**

SALES AND TRANSFERS

Generally, **§§ 5:1 to 5:4**

Due-on-sale clauses, **§ 5:1**

Fraudulent Transfers, this index

Judicial Foreclosures, this index

Mortgage Electronic Registration Systems (MERS), **§ 5:4**

Power of Sale Foreclosure, this index

Promissory note, **§ 5:3**

Security instrument, **§ 5:3**

Tax Liens and Tax Sales, this index

SATISFACTION OF DEBT

Generally, **§§ 6:1 to 6:4**

Attorney's fees, **§§ 6:3, 6:4**

Cancellation of record, **§ 6:4**

Commercial real estate, prepayment penalties, **§ 6:2**

Deed in lieu of foreclosure, **§§ 6:1 to 6:4**

Prepayment prohibitions and premiums, **§ 6:2**

SECURE AND FAIR ENFORCEMENT OF MORTGAGE LICENSING ACT

OF 2008

Federal regulation, **§ 14:2**

SECURED CREDITOR'S RIGHTS

History of real estate security, **§ 1:5**

SECURITY FOR DEBT

Generally, §§ 3:1 to 3:7
Assignment of rents, § 3:3
Attornment agreements, § 3:6
Bankruptcy, avoidance of security, § 13:2
Deficiency judgments, § 3:2
Equitable subrogation, § 3:4
Fixtures, § 3:2
Intervening liens, § 3:5
Invalid security deed, § 3:7
Leases, §§ 3:5, 3:6
Mixed collateral, § 3:2
Multiple notes, § 3:4
Multiple security deeds, § 3:4
Nature of collateral, § 3:1
Nondisturbance agreements, § 3:6
Perfecting security interest, § 3:2
Personal property, § 3:3
Responsibility for rents collected, § 3:3
Satisfaction of promissory note, § 3:7
Security deed and promissory note together, § 3:7
Single notes, § 3:4
Single security deeds, § 3:4
Subordination agreements, § 3:5
Transfer of promissory note, § 3:7
Transferability of security instrument, § 5:3
Validity of subordination agreements, § 3:5
Variations, § 3:4

SENIOR LIENS

Federal government as junior lienor, § 15:1
Priorities in case of foreclosure, § 11:2

SEPARATE SECURITY

Confirmation proceedings and deficiency actions, § 10:4

SERVICEMEMBERS CIVIL RELIEF ACT

Generally, § 14:5

SETTING ASIDE FORECLOSURE

Denial of confirmation and resale, § 10:5
Wrongful foreclosure, §§ 9:4 to 9:6

SETTLEMENT STATEMENTS

Federal regulation, § 14:2

SINGLE FAMILY MORTGAGE FORECLOSURE ACT OF 1994

Federal regulation, § 14:3

SINGLE NOTES

Security for debt, § 3:4

INDEX

SINGLE SECURITY DEEDS

Security for debt, § 3:4

SMALL BUSINESS ADMINISTRATION

Federal regulation, §§ 14:1, 14:3

SOLDIERS' AND SAILORS' CIVIL RELIEF ACT

Federal regulation, repealed, § 14:5

STATE ACTION

Determination of state actor, § 15:2

Due process, §§ 15:2, 15:3

Federal Housing and Finance Agency (FHFA), § 15:2

Housing and Economic Development Act of 2008 (HERA), § 15:2

Power of sale foreclosure, § 8:2

STATUTE OF FRAUDS

Guaranty, § 2:6

STATUTE OF LIMITATIONS

Limitation of Actions, this index

STRUCTURED BIDDING

Power of sale foreclosure, § 8:6

SUBORDINATION AGREEMENTS

Security for debt, § 3:5

SUBSTITUTES FOR MORTGAGES

History of real estate security, § 1:6

SUCCESSOR IN INTEREST

Power of sale foreclosure, § 8:1

SUPERSEDEAS BOND

Confirmation proceedings and deficiency actions, § 10:2

SURVIVING SPOUSE

Right to year's support, § 1:4

TAX EXECUTIONS

Tax Liens and Tax Sales, this index

TAX LIENS AND TAX SALES

Generally, §§ 12:1 to 12:9

Constitutional requirements, § 12:3

Dual approaches, § 12:4

Due process requirements, §§ 12:1, 12:3, 12:9

Executions, § 12:5

Fair market value requirements, § 12:6

Hearings in judicial tax foreclosure, § 12:8

Judicial tax foreclosures, § 12:8

Jurisdiction, § 12:3

Lien of property tax, § 12:2

TAX LIENS AND TAX SALES—Cont'd

Nature of property tax, **§ 12:1**
Nonjudicial procedure, **§§ 12:5 to 12:7**
Notice
 due process clause, **§§ 12:1, 12:3, 12:9**
 judicial tax foreclosure, **§ 12:8**
 tax sales, **§ 12:6**
Post-sale redemption, **§ 12:8**
Redemptions, **§§ 12:7, 12:8**
Sales generally, **§ 12:6**
Sales of tax liens, **§ 12:9**
Transfers of tax liens, **§ 12:9**

TAXES

Pre-foreclosure rights and remedies, **§ 4:1**

TENANT PROTECTIONS

Power of sale foreclosure, **§ 8:9**
Servicemembers Civil Relief Act, **§ 14:5**

TENDER

Setting aside a foreclosure, **§ 9:5**

THIRD PARTIES

Bankruptcy, **§§ 13:3, 13:9**
Priorities, this index
Setting aside a foreclosure, **§ 9:6**
Tax liens and sales, effect of, **§ 12:6**

TRANSFERS

Sales and Transfers, this index

TRUE MARKET VALUE

Confirmation proceedings and deficiency actions, **§ 10:3**

UNIFORM VOIDABLE TRANSACTIONS ACT

Generally, **§ 5:2**

USURY

Federal regulation, **§ 14:2**
Indebtedness, **§ 2:2**

VENUE

Confirmation proceedings and deficiency actions, **§ 10:1**
Judicial foreclosure, **§ 7:1**
Wrongful foreclosure, **§ 9:13**

VETERANS' ADMINISTRATION

Federal regulation, **§§ 14:1, 14:3**

VOIDABLE PREFERENCES

Bankruptcy, **§ 13:6**

INDEX

VOIDABLE TRANSFERS

Uniform Voidable Transactions Act, § **5:2**

WAIVER

Borrower's rights, due process, § **15:3**

Default, § **4:1**

Power of sale foreclosure, § **8:3**

WASTE

Pre-foreclosure rights and remedies, § **4:1**

WELSH MORTGAGE

Generally, § **1:2**

WRONGFUL FORECLOSURE

Generally, §§ **9:1 to 9:13**

Attempt, wrongful attempted foreclosure, § **9:3**

Basis for wrongful foreclosure claim, § **9:2**

Bidding, chilling in the bidding, § **9:2**

Causation, § **9:9**

Damages, §§ **9:8 to 9:11**

Emotional distress, § **9:10**

Forum, setting aside a foreclosure, § **9:4**

Fraud, § **9:2**

Good faith, failure to exercise the power of sale in, § **9:2**

Inadequate sale price, § **9:2**

Injunctive relief, § **9:7**

Loan documents, defects in, § **9:2**

Punitive damages, § **9:11**

Setting aside a foreclosure, §§ **9:4 to 9:6**

Statutes of limitations, § **9:12**

Tender, setting aside a foreclosure, § **9:5**

Third party purchasers, setting aside a foreclosure, § **9:6**

Venue, § **9:13**