

**SENATE  
STATE OF MINNESOTA  
NINETIETH SESSION**

**S.F. No. 3408**

(SENATE AUTHORS: HALL)

DATE  
03/15/2018

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OFFICIAL STATUS  
Introduction and first reading  
Referred to Judiciary and Public Safety Finance and Policy

1.1 A bill for an act  
1.2 relating to real property; modifying requirements for an action based on mortgage  
1.3 foreclosure dual tracking; amending Minnesota Statutes 2016, section 582.043,  
1.4 subdivision 7.

1.5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

1.6 Section 1. Minnesota Statutes 2016, section 582.043, subdivision 7, is amended to read:

1.7 Subd. 7. **Relief.** (a) A mortgagor has a cause of action, based on a violation of this  
1.8 section, to enjoin or set aside a sale. A mortgagor who prevails in an action to set aside or  
1.9 enjoin a sale, or who successfully defends a foreclosure by action based on a violation of  
1.10 this section, is entitled to reasonable attorney fees and costs.

1.11 (b) A lis pendens must be recorded prior to the expiration of the mortgagor's applicable  
1.12 redemption period under section 580.23 or 582.032 for an action taken under paragraph (a).  
1.13 ~~The failure to record the lis pendens creates a conclusive presumption that the servicer has~~  
1.14 ~~complied with this section.~~ Upon motion made after the expiration of the applicable  
1.15 redemption period, the court may extend the time to record a lis pendens if the failure to do  
1.16 so was the result of excusable neglect.

1.17 **EFFECTIVE DATE; APPLICATION.** This section is effective the day following  
1.18 final enactment and applies to actions pending on or commenced on or after that date.