

SENATE BILL NO. 389—SENATOR SEGERBLOM

MARCH 18, 2013

Referred to Committee on Judiciary

SUMMARY—Revises provisions relating to real property.
(BDR 9-601)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets ~~omitted material~~ is material to be omitted.

AN ACT relating to real property; authorizing the owner of a single-family dwelling to request the servicer of a mortgage or deed of trust to produce certified copies of certain loan-related documents under certain circumstances; authorizing the owner to report noncompliance to certain state regulatory bodies; and providing other matters properly relating thereto.

Legislative Counsel’s Digest:

1 Existing law regulates loans secured by mortgages or deeds of trust on real
2 property and imposes certain requirements on lenders and servicers concerning
3 those mortgages or deeds of trust. (Chapters 106 and 107 of NRS) Existing law also
4 authorizes the Division of Mortgage Lending and the Division of Financial
5 Institutions of the Department of Business and Industry to license and regulate
6 certain lenders and servicers. (Chapters 645B, 645E and 645F of NRS, titles 55 and
7 56 of NRS)
8 This bill amends the respective statutory chapters governing mortgages and
9 deeds of trust to provide that under certain circumstances, the owner of a single-
10 family dwelling that is subject to a mortgage or deed of trust may submit a written
11 request to the servicer of the mortgage or deed of trust for a certified copy of the
12 note, the mortgage or deed of trust and each assignment of the mortgage or deed of
13 trust. If the servicer does not provide the requested documents within 60 days after
14 receipt of the request, or if those documents indicate that the mortgagee or
15 beneficiary of the deed of trust does not have a recorded interest in or lien on the
16 single-family dwelling, the owner may report the servicer and the mortgagee or
17 beneficiary of the deed of trust to the Division of Mortgage Lending or the Division
18 of Financial Institutions, whichever is appropriate, which may take whatever
19 actions it deems necessary and proper, including enforcing any applicable laws or
20 regulations or adopting any additional regulations.



* S B 3 8 9 R 1 *

THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 **Section 1.** Chapter 106 of NRS is hereby amended by adding
2 thereto a new section to read as follows:

3 1. *A mortgagor may submit a written request to the servicer*
4 *of the mortgage for a certified copy of the note, the mortgage and*
5 *all assignments of the note and mortgage if:*

6 (a) *The real property subject to the mortgage is a single-family*
7 *dwelling;*

8 (b) *The mortgagor is the owner of record of the real property;*

9 (c) *The mortgagor currently occupies the real property as his*
10 *or her principal residence; and*

11 (d) *The servicer or mortgagee is a banking or financial*
12 *institution or any other business entity that is licensed, registered*
13 *or otherwise authorized to do business in this State.*

14 2. *If the servicer of the mortgage does not provide a certified*
15 *copy of each document requested pursuant to subsection 1 within*
16 *60 days after receipt of the request, or if the documents provided*
17 *by the servicer indicate that the mortgagee does not have a*
18 *recorded interest in or lien on the real property which is subject to*
19 *the mortgage:*

20 (a) *The mortgagor may report the servicer and the mortgagee*
21 *to the Division of Mortgage Lending or the Division of Financial*
22 *Institutions of the Department of Business and Industry,*
23 *whichever is appropriate; and*

24 (b) *The appropriate division may take whatever actions it*
25 *deems necessary and proper, including, without limitation,*
26 *enforcing any applicable laws or regulations or adopting any*
27 *additional regulations.*

28 3. *As used in this section, "banking or financial institution"*
29 *means any bank, savings and loan association, savings bank, thrift*
30 *company, credit union or other financial institution that is*
31 *licensed, registered or otherwise authorized to do business in this*
32 *State.*

33 **Sec. 2.** Chapter 107 of NRS is hereby amended by adding
34 thereto a new section to read as follows:

35 1. *A grantor of a deed of trust may submit a written request to*
36 *the servicer of the deed of trust for a certified copy of the note, the*
37 *deed of trust and all assignments of the note and deed of trust if:*

38 (a) *The real property subject to the deed of trust is a single-*
39 *family dwelling;*

40 (b) *The grantor is the owner of record of the real property;*

41 (c) *The grantor currently occupies the real property as his or*
42 *her principal residence; and*



1 *(d) The servicer or beneficiary of the deed of trust is a banking*
2 *or financial institution or any other business entity that is*
3 *licensed, registered or otherwise authorized to do business in this*
4 *State.*

5 *2. If the servicer of the deed of trust does not provide a*
6 *certified copy of each document requested pursuant to subsection*
7 *1 within 60 days after receipt of the request, or if the documents*
8 *provided by the servicer indicate that the beneficiary of the deed of*
9 *trust does not have a recorded interest in or lien on the real*
10 *property which is subject to the deed of trust:*

11 *(a) The grantor of the deed of trust may report the servicer and*
12 *the beneficiary of the deed of trust to the Division of Mortgage*
13 *Lending or the Division of Financial Institutions of the*
14 *Department of Business and Industry, whichever is appropriate;*
15 *and*

16 *(b) The appropriate division may take whatever actions it*
17 *deems necessary and proper, including, without limitation,*
18 *enforcing any applicable laws or regulations or adopting any*
19 *additional regulations.*

20 *3. As used in this section, "banking or financial institution"*
21 *has the meaning ascribed to it in section 1 of this act.*

22 **Sec. 3.** This act becomes effective upon passage and approval.

