

Mr. Mills.

## SALES BY MORTGAGEES.

### ANALYSIS.

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| Title.  | 5. Mortgagee may not make a bid less than the amount of his valuation.                          |
| 1. Short Title.   | 6. If mortgagee purchases the mortgaged property, purchase-money to be amount of his valuation. |
| 2. In application for sale mortgagee shall state estimated value of security. | 7. Former Acts modified.  |
| 3. Mortgagor may require release on payment of estimated value.               |   |
| 4. Mortgagee may not bid through undisclosed agent.                           |   |

### A BILL INTITULED

AN ACT to protect the Interests of Mortgagors and Creditors in the  
Event of a Sale by a Mortgagee through the Registrar of the  
Supreme Court of New Zealand.

5 BE IT ENACTED by the General Assembly of New Zealand in  
Parliament assembled, and by the authority of the same, as fol-  
lows:—

1. The Short Title of this Act is "The Sales by Mortgagees  
Act, 1899."

10 2. At the time of making application to any Registrar of the  
Supreme Court to conduct a sale of mortgaged property the mort-  
gagee so applying shall state, in his written application to conduct such  
sale, writing, the value at which he estimates such security.

15 3. The mortgagor may, at any time before such sale takes place,  
and upon payment to the mortgagee of the value of such security  
as estimated by the mortgagee, in addition to together with the reason-  
able costs of any attempted incurred in respect of such sale, and such sum  
as such mortgagee may have expended since the date of the valuation  
of such security, require such mortgagee to execute a release of such  
20 security, and he shall thereupon execute such release accordingly.

*Struck out.*

25 4. It shall not be lawful for any mortgagee to enter into any  
contract or agreement with any person to bid for him (except in the  
name of such mortgagee) and purchase any property sold through  
the Registrar of the Supreme Court at the request of such mortgagee,  
and any such contract or agreement shall be totally void, and such  
sale shall be liable to be set aside as irregular.

30 5. No mortgagee shall be entitled to make a bid for the pro-  
perty put up for sale by auction less than the amount stated in his  
said application as the value placed by him upon the same.

35 6. In the event of a mortgagee becoming the purchaser at any  
sale conducted by a Registrar of the Supreme Court at his request,  
then in the conveyance, transfer, or assignment from such Registrar  
to him of the property purchased the purchase-money to be stated in  
such conveyance, transfer, or assignment for the property so being  
conveyed, transferred, or assigned, and upon which stamp-duty shall  
be assessed, shall be not less than the amount stated in the mort-  
gagee's application to conduct the sale as hereinbefore required.

40 7. The provisions contained in "The Property Law Consolida-  
tion Act, 1883," and "The Land Transfer Act, 1885," relating to  
sales by mortgagees shall henceforth be read and construed subject to  
the modifications, amendments, and conditions herein contained.