

714F.1 Definitions.

As used in this chapter, unless the context otherwise requires:

1. “*Business day*” means any calendar day except Saturday, Sunday, or a public holiday including a holiday observed on a Monday.

2. “*Foreclosed homeowner*” means an owner of residential real property, including a condominium, that is the primary residence of the owner and whose mortgage on the real property is or was in foreclosure, forfeiture, or tax sale.

3. a. “*Foreclosure purchaser*” means a person that has acted as the acquirer in a foreclosure reconveyance. “*Foreclosure purchaser*” includes a person that has acted in joint venture or joint enterprise with one or more acquirers in a foreclosure reconveyance.

b. “*Foreclosure purchaser*” does not include any of the following:

(1) A natural person who shows that the natural person is not in the business of foreclosure purchasing and has a prior personal relationship with the foreclosed homeowner.

(2) A person or entity doing business under any law of this state, or of the United States, relating to banks, trust companies, savings and loan associations, industrial loan and thrift companies, regulated lenders, credit unions, insurance companies, or a mortgagee or mortgage servicer approved by the United States department of housing and urban development or any other nationally recognized government-sponsored enterprise, and any subsidiary or affiliate of such persons or entities, and any agent or employee of such persons or entities while engaged in the business of such persons or entities.

4. “*Foreclosure reconveyance*” means a transaction involving both of the following:

a. The transfer of title to real property by a foreclosed homeowner during a foreclosure, forfeiture, or tax sale, either by transfer of interest from the foreclosed homeowner or by creation of a mortgage or other lien or encumbrance during the process that allows the acquirer to obtain title to the property by redeeming the property as a junior lienholder.

b. The subsequent conveyance, or promise of a subsequent conveyance, of an interest back to the foreclosed homeowner by the acquirer or a person acting in participation with the acquirer that allows the foreclosed homeowner to possess either the affected residence or other real property, which interest includes but is not limited to an interest in a contract for deed, purchase agreement, option to purchase, or lease.

5. “*Resale*” means a bona fide market sale of the property subject to the foreclosure reconveyance by the foreclosure purchaser to an unaffiliated third party.

6. “*Resale price*” means the gross sale price of the property on resale.

7. “*Residence in foreclosure*” or “*affected residence*” means residential real property consisting of one to four family dwelling units, one of which the foreclosed homeowner occupies as the foreclosed homeowner’s principal place of residence, where a delinquency or default on any loan payment or debt is secured by or attached to the residential real property, including but not limited to contract for deed payments, real estate contracts, or real estate taxes.

2008 Acts, ch 1125, §10, 19; 2009 Acts, ch 41, §166

Referred to in §714E.1