

**DEPARTMENT OF HOUSING AND
URBAN DEVELOPMENT**

**Office of the General Counsel Notice of
Application—Foreclosure
Commissioners**

[Docket No. FR-3950-N-01]

AGENCY: Office of the General Counsel,
HUD.

ACTION: Notice of application—
foreclosure commissioners.

SUMMARY: This notice requests applications from parties who seek approval to act as foreclosure commissioners under the Single Family Mortgage Foreclosure Act of 1994 (the "Act"), 12 U.S.C. 3751-3768.

DATES: Applications may be submitted after the publication of this notice to HUD's Field Assistant General Counsel serving the geographic area in which the party proposes to serve as commissioner. A listing of Field Assistant General Counsel is included at the end of this notice. Applications may not be submitted by facsimile (FAX).

FOR FURTHER INFORMATION CONTACT: Bruce S. Albright, Office of General Counsel, U.S. Department of Housing and Urban Development, Room 9240, Washington, DC 20410, (202) 708-1272. A telecommunications device for the hearing impaired (TDD) is available at (202) 708-3259. (These are not toll free numbers.)

SUPPLEMENTARY INFORMATION:

Paperwork Reduction Act Statement

The information collection requirements contained in this notice have been submitted to the Office of Management and Budget for emergency review and approval under section 3507 of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501-3520). The OMB control number under this section, when approved, will be announced by separate notice in the Federal Register.

Background

Section 804 of the Single Family Mortgage Foreclosure Act of 1994 (the Act), 12 U.S.C. 3753, authorizes the Secretary of HUD (the Secretary) to exercise a statutory nonjudicial power of sale with respect to any single family mortgage held by the Secretary pursuant to Title I or Title II of the National Housing Act or securing a loan obligated under Section 312 of the Housing Act of 1964, as further described in Section 803 of the Act (12 U.S.C. 3752). Upon a determination that a defaulted Secretary-held mortgage should be foreclosed, the Act permits the Secretary to name a foreclosure commissioner to

conduct the foreclosure and sale. The commissioner may be an individual (including an official of State or local government), a group of individuals, an association, a partnership, a corporation or an organization (12 U.S.C. 3752(7) and 12 U.S.C. 3754). The Act further provides that if the foreclosure commissioner is a natural person, he is to be a resident of the State in which the security property is located; if not a natural person, the designee must be authorized to transact business under the laws of the State in which the security property is located. In order to be designated a commissioner, a person must be responsible, financially sound and competent to conduct a foreclosure.

The Secretary's power to designate a commissioner and to designate a substitute commissioner to replace a previously designated commissioner has been delegated to the HUD General Counsel. Regulations implementing the Act were published on November 15, 1995 (60 FR 57484).

By this notice, the General Counsel invites applications from all qualified parties who wish to be designated as foreclosure commissioners. The requested information will be used to determine if an applicant is responsible, financially sound, and competent to conduct a foreclosure. Each party submitting an application will be notified if its application has been accepted or rejected. All parties whose applications are accepted will be placed on a list of designated commissioners approved to act in a specific geographic area. When HUD determines that a particular mortgage should be foreclosed under the Act, the case will be referred to a designated foreclosure commissioner for foreclosure. Designation as a commissioner, however, does not necessarily provide any assurance that all commissioners so designated will subsequently have cases referred by HUD for foreclosure. Also, in some States HUD may decide to continue to foreclose under State law or other Federal law.

Each party seeking designation as a foreclosure commissioner must submit the current information, as listed below, to HUD's Field Assistant General Counsel serving the geographic area in which the party proposes to serve as commissioner. Those Field Assistant General Counsel are also listed below.

Current Information to be Submitted

1. Name
2. Business Address
3. Geographic area in which the applicant wishes to conduct foreclosures. (List only States or areas in States in which the applicant is a

resident or is duly authorized to transact business.)

4. If the applicant is not a natural person, the names and business addresses of the people who would actually perform the commissioner's duties.

5. Description of the applicant's experience in conducting mortgage foreclosures or in related activities which would qualify the applicant to serve as a foreclosure commissioner.

6. Evidence of the applicant's financial responsibility.

Any party that has been designated as a foreclosure commissioner for HUD-held multifamily mortgages may submit a letter to the appropriate Field Assistant General Counsel requesting designation as a foreclosure commissioner for single family mortgages. This letter of interest would be acceptable in lieu of the preceding information, unless any of the information requires updating.

Assistant General Counsel to Receive Applications

For Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island, and Vermont:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 10 Causeway St., Room 375, Boston, Massachusetts 02222-1092.

For New Jersey and New York:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 26 Federal Plaza, New York, New York 10278-0068.

For Delaware, Maryland, Pennsylvania, Virginia, West Virginia and Washington, D.C.:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 100 Penn Square East—The Wanamaker Building, Philadelphia, Pennsylvania 19107-3390.

For Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee and Puerto Rico:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 75 Spring St. S.W.—Richard Russell Federal Bldg., Atlanta, Georgia 30303-3388.

For Illinois, Indiana, Michigan, Minnesota, Ohio and Wisconsin:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 77 West Jackson Blvd.—Ralph Metcalfe Federal Bldg., Chicago, Illinois 60604-3507.

For Arkansas, Louisiana, New Mexico, Oklahoma and Texas:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 1600 Throckmorton—P.O. Box 2905, Fort Worth, Texas 76113-2905.

For Iowa, Kansas, Missouri, and Nebraska:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 400 State Avenue—Gateway Tower II, Kansas City, Kansas 66101-2406.

For Colorado, Montana, North Dakota, South Dakota, Utah and Wyoming:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 633 17th St.—First Interstate Tower North, Denver, Colorado 80202-3607.

For Arizona, California, Hawaii, and Nevada:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 450 Golden Gate Ave.—Phillip Burton Federal Bldg., P.O. Box 36003, San Francisco, California 94102-3448.

For Alaska, Idaho, Oregon and Washington:

Assistant General Counsel, U.S. Dept. of Housing & Urban Development, 909 1st Ave.—Seattle Federal Office Bldg., Seattle, Washington 98104-1000.

Authority: 12 U.S.C. 1715b, 12 U.S.C. 3751-3768, 42 U.S.C. 3535(d).

Dated: October 20, 1995.

Nelson A. Díaz,

General Counsel

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