

ingly attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(c) Authority of court

In a hearing based on this section, the court—

(1) may order repayment to the servicemember of all or part of the prior installments or deposits as a condition of terminating the contract and resuming possession of the property;

(2) may, on its own motion, and shall on application by a servicemember when the servicemember's ability to comply with the contract is materially affected by military service, stay the proceedings for a period of time as, in the opinion of the court, justice and equity require; or

(3) may make other disposition as is equitable to preserve the interests of all parties.

(Oct. 17, 1940, ch. 888, title III, §302, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2846; amended Pub. L. 111-275, title III, §303(b)(3), Oct. 13, 2010, 124 Stat. 2878.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 532 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 302 of act Oct. 17, 1940, ch. 888, art. III, 54 Stat. 1182; Oct. 6, 1942, ch. 581, §§9(b), (c), 10, 56 Stat. 771, 772; June 23, 1952, ch. 450, 66 Stat. 151; Pub. L. 102-12, §9(9), (10), Mar. 18, 1991, 105 Stat. 40, related to mortgages and trust deeds, prior to the general amendment of this Act by Pub. L. 108-189. See section 3953 of this title.

AMENDMENTS

2010—Subsec. (b). Pub. L. 111-275 amended subsec. (b) generally. Prior to amendment, subsec. (b) related to penalties.

Statutory Notes and Related Subsidiaries

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 3953. Mortgages and trust deeds

(a) Mortgage as security

This section applies only to an obligation on real or personal property owned by a servicemember that—

(1) originated before the period of the servicemember's military service and for which the servicemember is still obligated; and

(2) is secured by a mortgage, trust deed, or other security in the nature of a mortgage.

(b) Stay of proceedings and adjustment of obligation

In an action filed during, or within one year after, a servicemember's period of military service to enforce an obligation described in subsection (a), the court may after a hearing and on its own motion and shall upon application by a

servicemember when the servicemember's ability to comply with the obligation is materially affected by military service—

(1) stay the proceedings for a period of time as justice and equity require, or

(2) adjust the obligation to preserve the interests of all parties.

(c) Sale or foreclosure

A sale, foreclosure, or seizure of property for a breach of an obligation described in subsection (a) shall not be valid if made during, or within one year after, the period of the servicemember's military service except—

(1) upon a court order granted before such sale, foreclosure, or seizure with a return made and approved by the court; or

(2) if made pursuant to an agreement as provided in section 3918 of this title.

(d) Misdemeanor

A person who knowingly makes or causes to be made a sale, foreclosure, or seizure of property that is prohibited by subsection (c), or who knowingly attempts to do so, shall be fined as provided in title 18, or imprisoned for not more than one year, or both.

(Oct. 17, 1940, ch. 888, title III, §303, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2847; amended Pub. L. 110-289, div. B, title II, §2203(a), July 30, 2008, 122 Stat. 2849; Pub. L. 111-275, title III, §303(b)(4), Oct. 13, 2010, 124 Stat. 2878; Pub. L. 112-154, title VII, §710(a), (b), (d)(3), Aug. 6, 2012, 126 Stat. 1208; Pub. L. 115-174, title III, §313, May 24, 2018, 132 Stat. 1356.)

Editorial Notes

CODIFICATION

Section was formerly classified to section 533 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 303 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 772, related to settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property, prior to the general amendment of this Act by Pub. L. 108-189. See section 3954 of this title.

Another prior section 303 of act Oct. 17, 1940, ch. 888, art. III, 54 Stat. 1183, related to stay of action to resume possession of motor vehicle, tractor, or their accessories, encumbered by purchase money mortgage, conditional sales contract, etc., prior to repeal by act Oct. 6, 1942, ch. 581, §11, 56 Stat. 772.

AMENDMENTS

2018—Subsecs. (b), (c). Pub. L. 115-174 repealed Pub. L. 112-154, §710(d)(1), (3). See 2012 Amendment notes below.

2012—Subsecs. (b), (c). Pub. L. 112-154, §710(d)(3), as amended, which would have revived the provisions of subsecs. (b) and (c) as in effect on July 29, 2008, was repealed by Pub. L. 115-174, §313.

Pub. L. 112-154, §710(a), (b), substituted “within one year” for “within 9 months” in introductory provisions.

2010—Subsec. (d). Pub. L. 111-275 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to penalties.

2008—Subsecs. (b), (c). Pub. L. 110-289 substituted “9 months” for “90 days” in introductory provisions.

Statutory Notes and Related Subsidiaries**EFFECTIVE AND TERMINATION DATES OF 2012 AMENDMENT; REVIVAL**

Pub. L. 112-154, title VII, §710(c), Aug. 6, 2012, 126 Stat. 1208, provided that: “The amendments made by subsections (a) and (b) [amending this section] shall take effect on the date that is 180 days after the date of the enactment of this Act [Aug. 6, 2012].”

Pub. L. 112-154, title VII, §710(d)(1), Aug. 6, 2012, 126 Stat. 1208, as amended by Pub. L. 113-286, §2(1), Dec. 18, 2014, 128 Stat. 3093; Pub. L. 114-142, §2(1), Mar. 31, 2016, 130 Stat. 326; Pub. L. 115-91, div. A, title V, §557(1), Dec. 12, 2017, 131 Stat. 1405, which provided that the amendments made by subsecs. (a) and (b) of section 710 of Pub. L. 112-154 (amending this section) would expire on Dec. 31, 2019, was repealed by Pub. L. 115-174, title III, §313, May 24, 2018, 132 Stat. 1356.

Pub. L. 112-154, title VII, §710(d)(3), Aug. 6, 2012, 126 Stat. 1208, as amended by Pub. L. 113-286, §2(2), Dec. 18, 2014, 128 Stat. 3093; Pub. L. 114-142, §2(2), Mar. 31, 2016, 130 Stat. 326; Pub. L. 115-91, div. A, title V, §557(2), Dec. 12, 2017, 131 Stat. 1405, which provided that, effective Jan. 1, 2020, the provisions of subsecs. (b) and (c) of this section, as in effect on July 29, 2008, would be revived, was repealed by Pub. L. 115-174, title III, §313, May 24, 2018, 132 Stat. 1356.

EFFECTIVE DATE OF 2008 AMENDMENT

Pub. L. 110-289, div. B, title II, §2203(c), July 30, 2008, 122 Stat. 2850, as amended by Pub. L. 111-346, §2, Dec. 29, 2010, 124 Stat. 3622; Pub. L. 112-154, title VII, §710(d)(2), Aug. 6, 2012, 126 Stat. 1208, provided that: “The amendments made by subsection (a) [amending this section] shall take effect on the date of the enactment of this Act [July 30, 2008].”

EFFECTIVE DATE

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 3954. Settlement of stayed cases relating to personal property**(a) Appraisal of property**

When a stay is granted pursuant to this chapter in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

(b) Equity payment

Based on the appraisal, and if undue hardship to the servicemember's dependents will not result, the court may order that the amount of the servicemember's equity in the property be paid to the servicemember, or the servicemember's dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

(Oct. 17, 1940, ch. 888, title III, §304, as added Pub. L. 108-189, §1, Dec. 19, 2003, 117 Stat. 2848.)

Editorial Notes**CODIFICATION**

Section was formerly classified to section 534 of the former Appendix to this title prior to editorial reclassification and renumbering as this section.

PRIOR PROVISIONS

A prior section 304 of act Oct. 17, 1940, ch. 888, art. III, as added Oct. 6, 1942, ch. 581, §12, 56 Stat. 772; amended Pub. L. 102-12, §9(9), Mar. 18, 1991, 105 Stat. 40, related

to termination of leases by lessees, prior to the general amendment of this Act by Pub. L. 108-189. See section 3955 of this title.

Statutory Notes and Related Subsidiaries**EFFECTIVE DATE**

Section applicable to any case not final before Dec. 19, 2003, see section 3 of Pub. L. 108-189, set out as a note under section 3901 of this title.

§ 3955. Termination of residential or motor vehicle leases**(a) Termination****(1) Termination by lessee**

The lessee on a lease described in subsection (b) may, at the lessee's option, terminate the lease at any time after—

(A) the lessee's entry into military service;
(B) the date of the lessee's military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be; or

(C) the date of the lessee's stop movement order described in paragraph (1)(C) or (2)(C) of subsection (b), as the case may be.

(2) Joint leases

A lessee's termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.

(3) Death of lessee

The spouse or dependent of the lessee on a lease described in subsection (b) may terminate the lease during the one-year period beginning on the date of the death of the lessee, if the lessee dies while in military service or while performing full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10).

(4) Catastrophic injury or illness of lessee**(A) Termination**

If the lessee on a lease described in subsection (b) incurs a catastrophic injury or illness during a period of military service or while performing covered service, during the one-year period beginning on the date on which the lessee incurs such injury or illness—

(i) the lessee may terminate the lease; or

(ii) in the case of a lessee who lacks the mental capacity to contract or to manage his or her own affairs (including disbursement of funds without limitation) due to such injury or illness, the spouse or dependent of the lessee may terminate the lease.

(B) Definitions

In this paragraph:

(i) The term “catastrophic injury or illness” has the meaning given that term in section 439(g) of title 37.

(ii) The term “covered service” means full-time National Guard duty, active Guard and Reserve duty, or inactive-duty training (as such terms are defined in section 101(d) of title 10).

(b) Covered leases

This section applies to the following leases: