

shall include in the recitals of the deed to the purchaser or prepare an affidavit or addendum to the deed stating—

- (1) that the mortgage was held by the Secretary;
- (2) the particulars of the foreclosure commissioner's service of notice of default and foreclosure sale in accordance with sections 3708 and 3710 of this title;
- (3) that the foreclosure was conducted in accordance with the provisions of this chapter and with the terms of the notice of default and foreclosure sale;
- (4) a correct statement of the costs of foreclosure, calculated in accordance with section 3711 of this title; and
- (5) the name of the successful bidder and the amount of the successful bid.

(b) The deed executed by the foreclosure commissioner, the foreclosure commissioner's affidavit and any other instruments submitted for recordation in relation to the foreclosure of the security property under this chapter shall be accepted for recordation by the registrar of deeds or other appropriate official of the county or counties in which the security property is located upon tendering of payment of the usual recording fees for such instruments.

(Pub. L. 97-35, title III, §369F, Aug. 13, 1981, 95 Stat. 430.)

**§ 3715. Computation of time**

Periods of time provided for in this chapter shall be calculated in consecutive calendar days including the day or days on which the actions or events occur or are to occur for which the period of time is provided and including the day on which an event occurs or is to occur from which the period is to be calculated.

(Pub. L. 97-35, title III, §369G, Aug. 13, 1981, 95 Stat. 431.)

**§ 3716. Separability**

If any clause, sentence, paragraph or part of this chapter shall, for any reason, be adjudged by a court of competent jurisdiction to be invalid or invalid as applied to a class of cases, such judgment shall not affect, impair, or invalidate the remainder thereof and of this chapter, but shall be confined in its operation to the clause, sentence, paragraph, or part thereof directly involved in the controversy in which such judgment shall have been rendered.

(Pub. L. 97-35, title III, §369H, Aug. 13, 1981, 95 Stat. 431.)

**§ 3717. Regulations**

The Secretary is authorized to issue such regulations as may be necessary to carry out the provisions of this chapter.

(Pub. L. 97-35, title III, §369I, Aug. 13, 1981, 95 Stat. 431.)

**CHAPTER 38A—SINGLE FAMILY MORTGAGE FORECLOSURE**

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**§ 3751. Findings and purpose**

**(a) Findings**

The Congress finds that—

(1) the disparate State laws under which mortgages are foreclosed on behalf of the Secretary covering 1- to 4-family residential properties—

- (A) burden certain programs administered by the Secretary;
- (B) increase the costs of collecting obligations; and
- (C) generally are a detriment to the community in which the properties are located;

(2) the long periods required to complete the foreclosure of such mortgages under certain State laws—

- (A) lead to deterioration in the condition of the properties involved;
- (B) necessitate substantial Federal holding expenditures;
- (C) increase the risk of vandalism, fire loss, depreciation, damage, and waste with respect to the properties; and
- (D) adversely affect the neighborhoods in which the properties are located;

(3) these conditions seriously impair the ability of the Secretary to protect the Federal financial interest in the affected properties and frustrate attainment of the objectives of the underlying Federal program authority;

(4) the availability of uniform and more expeditious procedures, with no right of redemption in the mortgagor or others, for the foreclosure of these mortgages by the Secretary will tend to ameliorate these conditions; and

(5) providing the Secretary with a non-judicial foreclosure procedure will reduce unnecessary litigation by removing many foreclosures from the courts if they contribute to overcrowded calendars.

**(b) Purpose**

The purpose of this chapter is to create a uniform Federal foreclosure remedy for single family mortgages that—

- (1) are held by the Secretary pursuant to title I or title II of the National Housing Act [12 U.S.C. 1702 et seq., 1707 et seq.]; or
- (2) secure loans obligated by the Secretary under section 1452b<sup>1</sup> of title 42.

(Pub. L. 103-327, title II, Sept. 28, 1994, 108 Stat. 2316.)

<sup>1</sup> See References in Text note below.