

SUMMARY – 3 TYPES OF NEW JERSEY FORECLOSURES

TYPE A – 6 YEARS FROM MATURITY DATE OR ACCELERATED MATURITY DATE

TYPE B -- 36 YEARS FROM DATE OF MORTGAGE

TYPE C 20 YEARS FROM DEFAULT DATE WHEN NO ACCELERATION DATE

<p>NJSA 12A:3-118. Statute of limitations</p> <p>a. Except as provided in subsection e. [certificate of deposit] of this section, an action to enforce the obligation of a party to pay a note payable at a definite time must be commenced within six years after the due date or dates stated in the note or, <i>if a due date is accelerated, within six years after the accelerated due date.</i></p> <p>Effective Date – January 10, 1995</p> <p align="center">◇◇◇</p> <p>NJSA 2A:50-56.1 Statute of limitations relative to residential mortgage foreclosures.</p> <p>1.An action to foreclose a residential mortgage shall not be commenced following the <u>EARLIEST</u> of:</p> <p>a. Six years from the date fixed for the making of the last payment or the <u>maturity date</u> set forth in the mortgage or the note, bond, or other obligation secured by the mortgage, whether the date is itself set forth or may be calculated from information contained in the mortgage or note, bond, or other obligation, except that if the date fixed for the making of the last payment or the maturity date has been extended by a written instrument, the action to foreclose shall not be commenced after six years from the extended date under the terms of the written instrument;</p> <p>Effective August 6, 2009</p> <p><u>NOTE:</u> Advance notice of acceleration of maturity required by NJSA 2A:50-56(a)</p>	<p>NJSA 2A:50-56.1 Statute of limitations relative to residential mortgage foreclosures.</p> <p>1.An action to foreclose a residential mortgage shall not be commenced following the earliest of:</p> <p align="center">◇◇◇</p> <p>b.Thirty-six years from the date of recording of the mortgage, or, if the mortgage is not recorded, 36 years from the date of execution, so long as the mortgage itself does not provide for a period of repayment in excess of 30 years;</p> <p>Effective Date – August 6, 2009</p>	<p>NJSA 2A:50-56.1 Statute of limitations relative to residential mortgage foreclosures.</p> <p>1.An action to foreclose a residential mortgage shall not be commenced following the earliest of:</p> <p align="center">◇◇◇</p> <p>c.Twenty years from the date on which the debtor defaulted, which default has not been cured, as to any of the obligations or covenants contained in the mortgage or in the note, bond, or other obligation secured by the mortgage, except that if the date to perform any of the obligations or covenants has been extended by a written instrument or payment on account has been made, the action to foreclose shall not be commenced after 20 years from the date on which the default or payment on account thereof occurred under the terms of the written instrument.</p> <p>Effective Date – August 6, 2009</p> <p>NOTE: This is the codification of <u>Mahler</u> decision when the maturity date has <u>not</u> been accelerated.</p>
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