



Representative John M. Rogers
60th House District
Representative Scott Lipps
62nd House District

Chairman Merrin, Vice Chair LaRe and fellow members of the House Ways and Means Committee, thank you for allowing Representative Lipps and me the opportunity to provide sponsor testimony today on House Bill 602. This legislation would provide the option of publicizing two of the three statutorily required *In Rem* foreclosure notices online. The goal of this proposal is to decrease the costs associated with the litigation of these types of cases while recognizing the fact that there is a general preference or trend towards communicating and accessing information online.

Under current law, there are a number of steps that a County's Prosecuting Attorney must follow to contact and provide notice to a property owner, and/or parties having an interest in a parcel of land, when initiating an In Rem foreclosure action. This lawsuit is the result of a delinquency or a failure to pay the property's taxes that are due.

In cases where attempts to perfect service or notify the property owner and interested lien holders of the pending lawsuit fail, (where certified mail, regular mail and/or and personal service are unsuccessful), the law provides for constructive service to the parties by means of publication in a newspaper of general circulation in that county, once a week over three consecutive weeks.

Once the initial an In Rem foreclosure notice is published in a newspaper of general circulation within the county, House Bill 602 would enable that county the option of publishing or making the same information available online via a website maintained by the Clerk of Courts for the remaining two weeks.

The result continues to fulfill the obligation of providing "constructive notice", ensuring that reasonable steps have been made and due process rights of property

owners are protected, while also being cognizant of the changes occurring today in our print media publications.

Apart from the marginal costs associated with adding these notices to the Clerk of Courts website, counties under House Bill 602 could realistically see a two-thirds cost reduction associated with this required procedural step in the In Rem foreclosure process.

With the continuing trend towards greater online communications, this constructive notice option for publication offers greater flexibility to counties. Today there are unfortunately fewer newspapers, and even fewer news-print subscribers and more frequently - reduced daily publications. A centralized online availability could actually provide a much broader reach throughout a given community. Typically, these websites maintain other information including court dockets including those of In Rem Foreclosure cases.

Chairman Merrin, Vice Chair LaRe, fellow members of the House Ways and Means Committee, again thank you for the opportunity to give testimony today on House Bill 602. We would very much appreciate the support of this committee in this matter and would now welcome the opportunity to answer any questions you may have at this time.