

## 2012 SESSION

INTRODUCED

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### HOUSE BILL NO. 821

Offered January 11, 2012

Prefiled January 11, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 55-59.5, relating to wrongful foreclosure; civil action.*

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Patron—Marshall, R.G.

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Referred to Committee for Courts of Justice

#### **Be it enacted by the General Assembly of Virginia:**

#### **1. That the Code of Virginia is amended by adding a section numbered 55-59.5 as follows:**

*§ 55-59.5. Wrongful foreclosure; civil action.*

*The owner of any residential real property may maintain a civil action against any person who wrongfully asserts that he is, or has the authority to act as, the holder of the obligation secured by a deed of trust or mortgage on such property and who initiates any foreclosure proceeding upon such property. If a court determines that the person who wrongfully asserts that he is, or has the authority to act as, the holder of the obligation secured by a deed of trust or mortgage has wrongfully foreclosed upon such property, then the owner is entitled to recover actual damages incurred as a result of the wrongful foreclosure, in addition to reasonable attorney fees and costs.*

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