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SENATE BILL NO. 837

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice
on February 7, 2011)

(Patron Prior to Substitute—Senator Petersen)

A BILL to amend the Code of Virginia by adding a section numbered 55-59.5, relating to foreclosure; use of false record, document, or statement.

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. Foreclosure; use of false record, document, or statement; civil action.

A. Any person who knowingly makes, uses, or causes to be made or used a false or fraudulent record, document, or statement in support of any foreclosure upon property under this chapter shall be liable to the injured party.

B. Upon proof of such violation and damages arising therefrom, the injured party shall be entitled to appropriate equitable relief and to recover such compensatory damages as may be proven. If compensatory damages are awarded, a victim may also be awarded punitive damages.

C. A person violating this section shall be liable for reasonable attorney fees and costs of a civil action.