CHAPTER 157
HB 437 - FINAL VERSION

26Mar2025... 0519h

2025 SESSION

25-0509
07/06

HOUSE BILL ***437***

AN ACT providing specific curative measures for undischarged mortgages.

SPONSORS: Rep. B. Boyd, Hills. 12; Rep. Bogert, Belk. 5; Rep. Hakken-Phillips, Graf. 12; Rep. Kuttab, Rock. 17; Rep. Mooney, Hills. 12; Rep. N. Murphy, Hills. 12; Rep. Nelson, Rock. 13; Rep. Rung, Hills. 12; Rep. Wherry, Hills. 13; Sen. Gannon, Dist 23; Sen. McGough, Dist 11; Sen. Reardon, Dist 15; Sen. Watters, Dist 4

COMMITTEE: Housing

ANALYSIS

This bill establishes automatic discharge periods for undischarged mortgages based on whether their term or maturity date is stated or not.

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Explanation: Matter added to current law appears in ***bold italics.***
Matter removed from current law appears [~~in brackets and struckthrough.~~]
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty Five

AN ACT providing specific curative measures for undischarged mortgages.

Be it Enacted by the Senate and House of Representatives in General Court convened:

157:1 Limitation on Undischarged Mortgages; Void Unless Continued. RSA 479:28 is repealed and reenacted to read as follows:

479:28 Void Unless Continued.

I. From and after January 1, 2028, all undischarged mortgages in which the term or maturity date is not stated shall be deemed discharged without the necessity of any further action 35 years from the date of recording of the mortgage, unless an extension of the mortgage, or an acknowledgment or affidavit that the mortgage is not satisfied, is recorded before the expiration of the said 35-year period.

II. From and after January 1, 2028, all undischarged mortgages in which the term or maturity date is stated shall be deemed discharged without the necessity of any further action 5 years from the expiration of the term or the maturity date, unless an extension of the mortgage, or an acknowledgment or affidavit that the mortgage is not satisfied, is recorded before the expiration of the term or maturity date.

III. All extensions, agreements, affidavits, and acknowledgments shall be executed by the mortgagor or mortgagor's heirs, successors or assigns and mortgagee or assignee of record and recorded in the registry of deeds in the county where the land lies. If an extension of the mortgage or an acknowledgment or affidavit that the mortgage is not satisfied is so recorded, such undischarged mortgage shall be deemed discharged without the necessity of any further action 5 years from the expiration of the extension period if stated therein or 5 years from the date of recording of such extension, acknowledgment or affidavit if no extension period is stated therein. Upon the expiration of the applicable time periods provided herein, the undischarged mortgage shall be treated as if it had been properly discharged by the record holder thereof.

157:2 Repeal. RSA 479:29, relative to exceptions for limitations on undischarged mortgages, is repealed.

157:3 Effective Date. This act shall take effect 60 days after its passage.

Approved: July 07, 2025
Effective Date: September 05, 2025