



State of Tennessee

PUBLIC CHAPTER NO. 515

HOUSE BILL NO. 1127

By Representatives Farmer, Behn, Bricken

Substituted for: Senate Bill No. 727

By Senator Lowe

AN ACT to amend Tennessee Code Annotated, Title 35, relative to foreclosure notices.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 35-5-101, is amended by deleting the section and substituting:

(a) In any sale of land to foreclose a deed of trust, mortgage, or other lien securing the payment of money or other thing of value or under judicial orders or process, advertisement of the sale must be made:

(1) At least two (2) times in a newspaper published in the county where the sale is to be made; and

(2) By a posting online by a third-party internet posting company for at least twenty (20) continuous days. A posting made pursuant to this subdivision (a)(2) must be posted online in a manner such that the posting is publicly viewable to general internet users.

(b) The initial publication in a newspaper must be at least twenty (20) days previous to the sale.

(c) This section does not apply:

(1) Where the amount of indebtedness for the payment of which the property being sold does not amount to more than two hundred dollars (\$200), in which event the owner of the property may order that advertisement be made by written notices posted as provided in § 35-5-103 and subdivision (a)(2), instead of by notices published in a newspaper; or

(2) To any notice published in accordance with any contract entered into heretofore, and expressed in a mortgage, deed of trust, or other legal instruments.

(d) In any sale of land to foreclose a deed of trust, mortgage, or other lien securing the payment of money or other thing of value or under judicial orders or process, the trustee or other party that sells the property shall send to the debtor and any co-debtor a copy of the notice required in § 35-5-104. The notice must be sent on or before the first date of publication provided in subsection (b) by registered or certified mail, return receipt requested. The notice must be sent to the following:

(1) If to the debtor, addressed to the debtor at:

(A) The mailing address of the property, if any; and

(B) The last known mailing address of the debtor or any other mailing address of the debtor specifically designated for purposes of receiving notices provided at least thirty (30) days prior to the first publication date in written correspondence or written notice in accordance with the loan agreement from the debtor to the creditor, but only if the last known mailing address of the debtor or other mailing address designated by the debtor is different from the mailing address of the property; and

(2) If to a co-debtor, addressed to the co-debtor at the last known mailing address of the co-debtor or any other mailing address of the co-debtor specifically designated for purposes of receiving notices provided at least thirty (30) days prior to the first publication date in written correspondence or written notice in accordance with the loan agreement from the co-debtor to the creditor, but only if the last known mailing address of the co-debtor or other mailing address designated by the co-debtor is both different from the mailing address of the property and different from the mailing address of the debtor determined as provided in subdivision (d)(1)(B).

(e) Unless postponement or adjournment is contractually prohibited, any sale hereunder may be adjourned and rescheduled one (1) or more times without additional newspaper publication, upon compliance with the following provisions:

(1) The sale must be held within one (1) year of the originally scheduled date;

(2) Each postponement or adjournment must be set to a specified date and time, and must be announced by posting with the third-party internet posting company and announced at the date, time, and location of each scheduled sale date; provided, however, that if the sale is postponed or adjourned for less than five (5) days after the original sale, announcement by internet posting is not required;

(3) If the postponement or adjournment is for more than thirty (30) days, notice of the new date, time, and location must be mailed no less than (10) calendar days prior to the sale date via regular mail to the debtor and co-debtor; and

(4) Notice of the right to postpone or adjourn without additional newspaper publication shall not be required to be published in any newspaper publication.

(f)

(1) A third-party internet posting company shall submit the company's root domain website address to the publications division of the secretary of state's office prior to conducting business pursuant to subdivision (a)(2). A third-party internet posting company shall promptly notify the publications division of the secretary of state's office of any change in the company's website address.

(2) The publications division of the secretary of state's office shall create a listing on the secretary of state's website of all third-party internet posting companies and the website address for each third-party internet posting company.

(3) A third-party internet posting company may be held liable for any damages resulting from the company's failure to comply with this subsection (f).

(g) As used in this section, "location" means:

(1) The physical place where a sale is being conducted; or

(2) The website of the internet-based bidding platform, if a sale is being conducted online.

SECTION 2. Tennessee Code Annotated, Section 35-5-103, is amended by deleting the section and substituting:

Whenever the advertisement cannot be made in a newspaper, the officer shall make publication of the sale as provided under § 35-5-101(a)(2).

SECTION 3. Tennessee Code Annotated, Section 35-5-104(a), is amended by adding the following as a new subdivision:

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(7) Identify the website of the third-party internet posting company that posts an advertisement pursuant to § 35-5-101(a)(2).

SECTION 4. Tennessee Code Annotated, Section 35-5-105, is amended by deleting the section and substituting:

If the printer will not make the publication for the rates provided in § 8-21-1301, then the officer or person conducting the sale shall make publication by written notices as provided in §§ 35-5-101(a)(2) and 35-5-104.

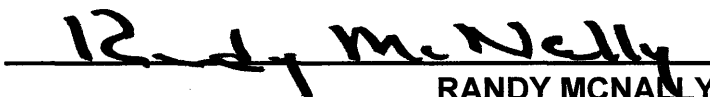
SECTION 5. This act takes effect July 1, 2025, the public welfare requiring it.

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PASSED: April 17, 2025



CAMERON SEXTON, SPEAKER
HOUSE OF REPRESENTATIVES



RANDY MCNALLY
SPEAKER OF THE SENATE

APPROVED this 21st day of May 2025



BILL LEE, GOVERNOR