

COMPLAINT FOR FORECLOSURE OF REAL ESTATE MORTGAGE

(Caption and Title)

COMPLAINT

COMES NOW, the plaintiff by the undersigned attorney, and unto this Honorable Court, respectfully states:

- 1. That both the plaintiff and the defendant are of age, and residents of \_\_\_\_\_;
- 2. That on \_\_\_\_\_, the defendant, in order to secure the payment of the sum of \_\_\_\_\_, acknowledged to have been received by him on said date, executed in favor of the plaintiff a first mortgage on certain real property located in \_\_\_\_\_, a true copy of said mortgage contract is hereto attached as Exhibit “A”, and made an integral part of this complaint.
- 3. That the condition of said mortgage, as stated therein, is such, that if within the period of \_\_\_\_\_ from and after the execution of same, the defendant shall pay or cause to be paid to the plaintiff, his heirs or assigns, the said sum of \_\_\_\_\_ together with the stipulated interest of \_\_\_\_\_% per annum, then the said mortgage shall be discharged; otherwise, it shall remain in full force and effect, to be enforceable in the manner prescribed by law;
- 4. That the defendant has not paid or caused to be paid the mortgage debt of \_\_\_\_\_ or any part thereof, in spite of the lapse of the stipulated period;
- 5. That the plaintiff has demanded of the defendant to pay the above sum of \_\_\_\_\_, plus the stipulated interest, but said defendant has failed to pay the same;
- 6. That the defendant has also agreed in the mortgage contract that should the plaintiff foreclose the mortgage, the latter is entitled to receive the further sum of \_\_\_\_\_% of the total amount due as attorney’s fees, expenses and costs.
- 7. That there are no other persons having or claiming an interest in the mortgaged property.

WHEREFORE, it is respectfully prayed:

- 1. That, upon due hearing, judgment be rendered: (1) ordering the defendant to pay unto the court within the reglementary period of ninety days the sum of \_\_\_\_\_ together with the stipulated interest at \_\_\_\_\_% per annum from and after \_\_\_\_\_, plus the additional sum of \_\_\_\_\_% of the total amount due as attorney’s fees, expenses and costs; (2) and that in default of such payment, the above-mentioned property be ordered sold to pay off the mortgage debt and its accumulated interest, plus \_\_\_\_\_% of the total amount due as attorney’s fees, expenses and costs,
- 2. That plaintiff be granted such other relief in law and equity.

\_\_\_\_\_, \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

(Attorney for the Plaintiff)

\_\_\_\_\_

(Address)