



STATE OF KANSAS

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ATTORNEY GENERAL OPINION NO. 86-83

The Honorable Keith Roe  
Representative, 109th District  
225 W. Webster  
P.O. Box 364  
Mankato, Kansas 66956

Re: Banks and Banking -- Miscellaneous Provisions --  
The Family Farm Rehabilitation Act

Synopsis: Except as otherwise provided in the Family Farm Rehabilitation Act, all proceedings in the district court which has jurisdiction for (1) the foreclosure of a mortgage on agricultural land, (2) the cancellation of a contract for the purchase of agricultural land, or (3) the repossession of or collection against agricultural property commencing on and after October 1, 1985, shall be subject to the provisions of the Act. The Act would apply to the Farmers Home Administration and similar federal and state agencies. Cited herein: 1986 Senate Bill No. 696.

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Dear Representative Roe:

As State Representative for the 109th District, you request our opinion concerning 1986 Senate Bill No. 696, also known as the Family Farm Rehabilitation Act. Specifically, you are concerned with the applicability of the Act to the Farmers Home Administration (FHA), as well as the Act's applicability to federal and state agencies similar to the FHA. As this inquiry focuses upon parties affected by the Act, this opinion will discuss the law applicable to the request; an opinion of the exceptions and conditions to the Act is hereby omitted.

Section 3 of Senate Bill No. 696 states:

"Except as otherwise provided in this act, all proceedings for the foreclosure of a mortgage on agricultural land, the cancellation of a contract for the purchase of agricultural land or the repossession of or collection against agricultural property commencing on and after October 1, 1985, shall be subject to the provisions of this act."

Section 4 of Senate Bill No. 696 states in part:

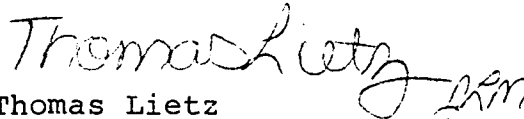
"The defendant-owner or purchaser of agricultural land in case of an action for mortgage foreclosure or cancellation of a contract for purchase or the defendant-owner or purchaser of agricultural property in case of an action for repossession or collection against such property may make application by motion to the district court which has jurisdiction of the matter for protection under this act."

The Act does not exclude the FHA or similar agencies from its application. Except as otherwise provided in the Act, all proceedings in the district court which has jurisdiction for (1) the foreclosure of a mortgage on agricultural land, (2) the cancellation of a contract for the purchase of agricultural land, or (3) the repossession of or collection against agricultural property commencing on and after October 1, 1985, shall be subject to the provisions of the Act. The Act would thus apply to the Farmers Home Administration and similar federal and state agencies. For a further analysis of the Act, please refer to Attorney General Opinion No. 86-53, a copy of which is enclosed for your convenience.

Very truly yours,



ROBERT T. STEPHAN  
ATTORNEY GENERAL OF KANSAS



Thomas Lietz  
Assistant Attorney General