

(Oct. 17, 1940, ch. 888, title III, § 303, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2847; amended Pub. L. 110-289, div. B, title II, § 2203(a), July 30, 2008, 122 Stat. 2849; Pub. L. 111-275, title III, § 303(b)(4), Oct. 13, 2010, 124 Stat. 2878.)

AMENDMENT OF SUBSECTIONS (b) AND (c)

*For termination of amendment by section 2203(c) of Pub. L. 110-289, see Effective and Termination Dates of 2008 Amendment note below.*

PRIOR PROVISIONS

A prior section 533, act Oct. 17, 1940, ch. 888, art. III, § 303, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772, related to settlement of cases involving stayed proceedings to foreclose mortgage on, resume possession of, or terminate contract for purchase of, personal property, prior to the general amendment of this Act by Pub. L. 108-189. See section 534 of this Appendix.

Another prior section 533, act Oct. 17, 1940, ch. 888, art. III, § 303, 54 Stat. 1183, related to stay of action to resume possession of motor vehicle, tractor, or their accessories, encumbered by purchase money mortgage, conditional sales contract, etc., prior to repeal by act Oct. 6, 1942, ch. 581, § 11, 56 Stat. 772.

AMENDMENTS

2010—Subsec. (d). Pub. L. 111-275 amended subsec. (d) generally. Prior to amendment, subsec. (d) related to penalties.

2008—Subsecs. (b), (c). Pub. L. 110-289 temporarily substituted “9 months” for “90 days” in introductory provisions. See Effective and Termination Dates of 2008 Amendment note below.

EFFECTIVE AND TERMINATION DATES OF 2008 AMENDMENT

Pub. L. 110-289, div. B, title II, § 2203(c), July 30, 2008, 122 Stat. 2850, as amended by Pub. L. 111-346, § 2, Dec. 29, 2010, 124 Stat. 3622, provided that:

“(1) EFFECTIVE DATE.—The amendment made by subsection (a) [amending this section] shall take effect on the date of enactment of this Act [July 30, 2008].

“(2) SUNSET.—The amendments made by subsection (a) shall expire on December 31, 2012. Effective January 1, 2013, the provisions of subsections (b) and (c) of section 303 of the Servicemembers Civil Relief Act [50 U.S.C. App. 533(b), (c)], as in effect on the day before the date of the enactment of this Act [July 30, 2008], are hereby revived.”

**§ 534. Settlement of stayed cases relating to personal property**

**(a) Appraisal of property**

When a stay is granted pursuant to this Act [sections 501 to 515 and 516 to 597b of this Appendix] in a proceeding to foreclose a mortgage on or to repossess personal property, or to rescind or terminate a contract for the purchase of personal property, the court may appoint three disinterested parties to appraise the property.

**(b) Equity payment**

Based on the appraisal, and if undue hardship to the servicemember’s dependents will not result, the court may order that the amount of the servicemember’s equity in the property be paid to the servicemember, or the servicemember’s dependents, as a condition of foreclosing the mortgage, repossessing the property, or rescinding or terminating the contract.

(Oct. 17, 1940, ch. 888, title III, § 304, as added Pub. L. 108-189, § 1, Dec. 19, 2003, 117 Stat. 2848.)

PRIOR PROVISIONS

A prior section 534, act Oct. 17, 1940, ch. 888, art. III, § 304, as added Oct. 6, 1942, ch. 581, § 12, 56 Stat. 772;

amended Pub. L. 102-12, § 9(9), Mar. 18, 1991, 105 Stat. 40, related to termination of leases by lessees, prior to the general amendment of this Act by Pub. L. 108-189. See section 535 of this Appendix.

**§ 535. Termination of residential or motor vehicle leases**

**(a) Termination by lessee**

**(1) In general**

The lessee on a lease described in subsection (b) may, at the lessee’s option, terminate the lease at any time after—

(A) the lessee’s entry into military service; or

(B) the date of the lessee’s military orders described in paragraph (1)(B) or (2)(B) of subsection (b), as the case may be.

**(2) Joint leases**

A lessee’s termination of a lease pursuant to this subsection shall terminate any obligation a dependent of the lessee may have under the lease.

**(b) Covered leases**

This section applies to the following leases:

**(1) Leases of premises**

A lease of premises occupied, or intended to be occupied, by a servicemember or a servicemember’s dependents for a residential, professional, business, agricultural, or similar purpose if—

(A) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service; or

(B) the servicemember, while in military service, executes the lease and thereafter receives military orders for a permanent change of station or to deploy with a military unit, or as an individual in support of a military operation, for a period of not less than 90 days.

**(2) Leases of motor vehicles**

A lease of a motor vehicle used, or intended to be used, by a servicemember or a servicemember’s dependents for personal or business transportation if—

(A) the lease is executed by or on behalf of a person who thereafter and during the term of the lease enters military service under a call or order specifying a period of not less than 180 days (or who enters military service under a call or order specifying a period of 180 days or less and who, without a break in service, receives orders extending the period of military service to a period of not less than 180 days); or

(B) the servicemember, while in military service, executes the lease and thereafter receives military orders—

(i) for a change of permanent station—

(I) from a location in the continental United States to a location outside the continental United States; or

(II) from a location in a State outside the continental United States to any location outside that State; or

(ii) to deploy with a military unit, or as an individual in support of a military oper-