

**MINUTES OF THE
BENCH – BAR FORECLOSURE COMMITTEE MEETING
WEDNESDAY, SEPTEMBER 30, 2009**

Handouts to Committee Members: Agenda; Draft of Minutes of June 16, 2009 meeting; memos from subcommittees; draft forms re Supplemental Judgment, legislative proposal from Connecticut Association of Realtors; notice regarding changes to foreclosure standing orders and procedures; §114 of HB 6802; copy of PA09-144; letter request of Attorney Bendett; Quick Cards for foreclosure advertising.

Members in attendance: Hon. Douglas C. Mintz, Chair, Hon. Salvatore Agati, Attorney Ronald M. Bender, Attorney Adam L. Bendett, Attorney Thomas J. Farrell, Attorney Robert F. Frankel, Hon. Samuel Freed, Attorney Peggy George, Attorney Edward P. Jurkiewicz, Attorney Richard M. Leibert, Attorney Raphael L. Podolsky, Attorney Sarah Poriss, Hon. Richard A. Robinson, Attorney Louis C. Zowine.

The Hon. Douglas C. Mintz, Chair called the meeting to order at 2:06 p.m.

1. Approval of Minutes of June 16, 2009 Meeting - Motion to approve the minutes of the June 16, 2009 meeting was made and the minutes were approved.

2. Subcommittee Reports –

Attorney Caron's memo regarding motions to open judgment was presented to the members. Attorney Frankel, a subcommittee member, reported that the subcommittee had not reached a consensus at this point. A motion was made and seconded that no action be taken at this time and that the subcommittee continue to meet. The motion was unanimously approved. The subcommittee is to have a face to face meeting and report back to the full committee.

Attorney Larson's proposals regarding notices to attorneys re recording assignments, etc. was presented to the members. Discussion ensued regarding who would have to send the notice, when notice has to be sent, the responsibility of the lender and balancing the equities. A motion was made that proposal number 1 of the subcommittee be submitted by this committee as a change to the Standing Orders. All members in attendance voted in favor of the motion except Attorney Farrell who opposed the motion. A further motion was made and unanimously approved to have the subcommittee continue working and send a further proposal to the full committee.

3. Forms – Supplemental Judgment – No Proceeds

Attorney Peggy George presented the Committee with two proposed drafts of a motion for supplemental judgment where no proceeds are paid into court. The members discussed the difference between the two forms, inclusion of costs, need for an affidavit of debt, post-judgment advances, possibility of including conveyance tax in the form, need for court to make findings, language regarding a deficiency judgment. A motion was made and seconded that the form be referred to Judicial Legal Services to come up with a proposal for the committee to review. The motion was unanimously approved.

4. Legislative Proposal by Connecticut Association of Realtors, Inc.

Judge Mintz informed the members that this could be discussed, however, this committee will not take action on legislative proposals. The members briefly discussed the proposal.

5. Standing Order changes re E-filing and Advertising -

Attorney Peggy George gave a brief overview of the changes to the Standing Orders in connection with efilings and foreclosure advertising on the judicial website.

6. Certification Question (agenda item #8) –

Attorney Adam Bendett presented his request in accordance with the letter provided at the meeting. Members discussed whether certification is needed for certain documents and whether the certification is always necessary when efilings those documents. This issue will have to be reviewed with the person in charge of efilings.

7. HB 6802 §114 Real Property Conveyance Tax –

The committee members engaged in discussion as to who is responsible for paying the conveyance tax, definition of seller, if tax comes out of the proceeds of sale or from the successful bidder, whether there could be a standing order or rule to order something that the statute doesn't address. Also discussed, was whether separate checks could be delivered at the sale or whether the court clerk could issue a check for the conveyance tax from the proceeds of sale, what if no proceeds of sale.

It was proposed that a subcommittee be formed to review the new law. The subcommittee members are Attorney Robert Frankel, Chair, Hon. Douglas Mintz, Attorney Richard Leibert, Attorney Louis Zowine and Attorney Adam Bendett. The subcommittee is to come up with a recommendation by January 1, 2010. A motion was made and seconded that the subcommittee be authorized to act. All members in attendance approved, with the exception of Attorney Podolsky who abstained. (Judge Agati was not in attendance for this motion).

8. PA09-144 An Act Concerning Neighborhood Protection

A copy of the new law was provided to the members. No further discussion.

9. Advertising Quick Card for Committees –

Attorney Peggy George distributed a copy of the Quick Card containing instructions for committees on how to post a foreclosure advertisement on the Judicial website and asked that any comments be submitted to her.

Judge Mintz suggested that the Bench – Bar Foreclosure Committee have quarterly meetings

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A motion was made that the meeting be adjourned. The motion was seconded and passed. Meeting adjourned at 4:30 P.M.