

BENCH-BAR FORECLOSURE COMMITTEE MEETING
Wednesday, January 29, 2025 – 3:30 PM
via Microsoft Teams

Attendees: Hon. Claudia A. Baio, Chair, Hon. Mark T. Altermatt, Hon. Andrew W. Roraback, Attorney George P. Generas, III., Attorney Jeffrey S. Gentes, Attorney James A.R. Pocklington, Attorney Maria Salatto-Gilhuly, Attorney Rebecca R. Schmitt, and Attorney Jenna M. Sternberg

Excused: Hon. Walter M. Spader, Jr.

1. Call to order

Judge Baio called the meeting to order at 3:04 p.m.

2. Welcome Hon. Mark T. Altermatt

Judge Altermatt was appointed to fill the vacancy created by Judge Abrams' resignation.

3. Approval of Minutes of October 30, 2024, Meeting

Upon motion by Attorney Schmitt, seconded by Attorney Generas, and carried unanimously, the draft minutes of the July 31, 2024, meeting were approved. Judge Altermatt and Attorney Pocklington abstained.

4. Old business

a. Outstanding Recommendations

i. Committee required to notify plaintiff of sale results

1. The proposal was made, Judge Bellis was in favor of the change and we were awaiting confirmation of the updated JD-CV-81 form posting. The updated form was posted with the language change at the top of page three.

ii. Motions to Substitute

1. The issue is that court locations process the motions to substitute differently. Three different proposals were discussed and sent to Judge Bellis. Judge Bellis was supportive of uniformity and proposed that the matter be left to her for implementation but had further interest in option one. Judge Baio requested an opportunity to bring it back to this committee for any additional input. The three options were reviewed along with additional information from Court Operations regarding option one that was provided by Attorney Schmitt. Further discussion ensued and the recommendation of the third option was confirmed. Upon motion

by Attorney Pocklington, seconded by Attorney Generas carried unanimously with no further discussion.

iii. Timing of Supplemental Judgment

1. Previously, the committee discussed the issue of uniformity but did not decide what uniformity to recommend. Judge Baio submitted the issue to Judge Bellis to see if there was interest. Judge Bellis asked if the committee is considering a rule change or whether it would be a standing order. She further suggested that a rule change may carry more weight and allow people an opportunity to address the pros and cons. The committee had not yet discussed how to proceed.
2. Attorney Pocklington gave a recap of the issue and that uniformity would set the expectation for how fast it should move. The current standing order doesn't give a hard date- as soon as possible (paragraph 23). Everyone has different timeframes. Would it make sense to have it tied to the date of the notice of the approval of the sale or the date of the return of sale? Pock-practitioner perspective it doesn't matter where it starts from. Issue is getting the aff of debt from the client, which isn't tied to either of those dates. If the goal is to use one of those dates to start the clock ticking, it doesn't really matter. One is a clerk's office date and the other is a committee given trigger. If looking for a data point in the clerk's system, the sale approval would be a better system related trigger. Judge Altermatt hasn't perceived a need for it in his district. As a smaller court can have the clerk make a call. Atty. Generas doesn't have an issue with uniformity can't guarantee that things will proceed as they should since the issue is getting the supplemental affidavit of debt from the client. Agrees it makes sense to have the time run from when the court takes an action as opposed to the committee. Hard to say what that timeframe should be. Atty. Gentes agrees to tie to the approval of sale which accounts for appeals, etc. Recollect that New Haven tied to committee. Of the options discussed last time Harford gave the longest time, 90 days from date of approval of committee motions. Is that an appropriate time? Doesn't take the discretion from the court, court can order shorter or longer time. 90 days seems reasonable, better than 30 days. 120 days seems too long. Motion to tie approval to committee motions and within 90 days as the general uniform timeframe, subject to Judicial discretion? Replace first line of Para 23 JD-CV-79 with a motion for SJ should be filed with the court within 90 days of court's approval of the sale. Keeps the should from the standing order as opposed to the must. J. Baio mentioned that court template

orders would need to be changed to address that as well.
Pocklington motion. Second Hon. Altermatt. No discussion.
Motion carries unanimously, recommendation will be sent to
Judge Bellis.

5. New Business

a. Holding sales at the property – Attorney Gentes

- i. Presentation of PowerPoint.
- ii. Strict foreclosure- CT and VT but VT isn't really doing it anymore they have caselaw regarding fraudulent conveyance, they are doing sales.
- iii. Sign at property is unusual. Couldn't find another state.
- iv. Sale at the property is also unique.
- v. VT does sales at the curb.
- vi. Atty. Gentes talking to other advocates in the country.
- vii. Doesn't feel that the sign at the property is a good thing. Sale is also negative and unneeded. Homeowners are petrified of the sign, even more so than homelessness or instability from a foreclosure. Would take the sign.
- viii. Atty. Pocklington mentioned that sometimes the sign is the first time someone realizes there is a foreclosure. Maybe a suggestion that signs only for non appearing homeowner. If there is an appearance they are aware of it. Judges will waive signs upon request. As to locations of sales- chilling effect of having sales at committee's place of business. Maybe a poll of committees.
- ix. Hon. Roraback that the sale is get the best equity. Will this promote and maximize the goal of the equity.
- x. Atty. Gentes mentioned postings on properties for notice requirements may be addressed instead of a sign.
- xi. Foreclosure auctions are profoundly inefficient and don't yield net equity. Gentes looked at 2017 as a "normal" year. 115 were actually sold at auctioned somewhere between 67-70 percent had no bidders except foreclosing plaintiff.
- xii. Leave on agenda for next meeting to consider additional thoughts and what, if anything is appropriate to consider as next steps. Atty Gentes can send data to Becky for circulation to the group. Query able database pulled from Judicial's data feed. Can run a query. Can Judicial just look at what is held in trust? Trust is banking and not tied into the clerk's systems.
- xiii. Discussion of current committee rates. Agreed to add this item as new business. Further information regarding this topic may be sent to Attorney Schmitt for circulation prior to the next meeting.

b. HUD Drafting Table – Report from Attorney Pocklington

- i. HUD was receptive to industry feedback regarding proposed mortgagee letter for payoffs and statements dealing with debt where there is a HUD partial claim and having to provide information that wasn't part of the actual mortgage. New mortgagee letter changed it to just providing partial claim contact information instead of the actual numbers. Issue is resolved.

6. Other Business

None.

7. Next Meeting

- a. April 30, 2025, at 3:30 p.m.

8. Adjourn

Upon motion to adjourn by Attorney Gentes, seconded by Attorney Pocklington, and carried unanimously, the meeting was adjourned at 4:48 p.m.