

BENCH-BAR FORECLOSURE COMMITTEE MEETING
Wednesday, October 30, 2024 – 3:00 PM
via Microsoft Teams

Attendees: Hon. Claudia A. Baio, Chair, Hon. Walter M. Spader, Attorney George P. Generas, III., Attorney Jeffrey S. Gentes, Attorney James A.R. Pocklington, Attorney Mary Salatto-Gilhuly, Attorney Rebecca R. Schmitt, and Attorney Jenna M. Sternberg

Excused: Hon. Andrew W. Roraback

1. Call to order

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

2. Resignation of Hon. James W. Abrams

Judge Abrams resigned effective September 4, 2024. Judge Baio requested authorization from the Chief Court Administrator's Office to appoint a new member.

3. Approval of Minutes of July 31, 2024, Meeting

Upon motion by Attorney Gentes, seconded by Judge Spader, and carried unanimously, the draft minutes of the July 31, 2024, meeting were approved.

4. Old business

a. Quality of Life Improvement Suggestions

List of suggestions that may be appropriate to share with the foreclosure judges. Judge Baio went over the list of suggestions and opened the issue for discussion. Judge Spader addressed at the foreclosure update held for the foreclosure judges the issues that were identified, such as consistency with the dockets, and we can continue to use that forum as issues come out of this Bench-Bar committee concerning the docket and uniformity in the clerks' offices. Attorney Schmitt delivered the committee's report for Judge Baio to the foreclosure roundtable. The foreclosure annual meeting is probably the best forum to bring these types of suggestions to foreclosure judges. Bigger issues may be appropriate for the judges' Connecticut Annual Institute. The committee should continue to raise issues that come to mind.

b. Motions to Substitute – Attorney Pocklington's memo was circulated prior to the meeting. Consensus to take this agenda item out of order for after Attorney Pocklington's arrival, as he was in a hearing. Discussion was held and proposal made to make recommendation. See below.

- c. Comments on CFPB Education Suggestion
 - i. May not be ripe for discussion at this time. The comment period is closed but nothing further from the CFPB. Attorney Gentes could circulate some of the FEMA moratoria that are currently in effect. Hold on the CFPB issue until it is ripe for discussion.
- d. Outstanding Recommendations
 - i. Committee required to notify plaintiff of sale results
 - 1. Request was submitted to Judge Bellis who was in favor of it. It was then submitted to the Chief Court Administrator's Office, where it was well received and approved. Attorney Schmitt took the steps necessary to have the language added to the JD-CV-81 form, which should be posted shortly. Attorney Schmitt will circulate the updated form to the group once it posts. The added language will be at the top of page 3.

5. New Business

a. Timing of Supplemental Judgment

- 1. Courts handle the timing of supplemental judgments differently. Examples provided. This is discretionary for the judge. Does the committee feel that there should be a recommendation to standardize it the same way across the jurisdictions?

Discussion was held. Committee consensus is that there should be uniformity on the issue. Judge Baio motioned that the suggestion be made to Judge Bellis and if there is interest, the committee will discuss a timeframe at the next meeting. Judge Spader seconded the motion, which passed unanimously. Attorney Pocklington abstained, as he was not present for the full conversation. Attorney Schmitt will draft a proposal as to part one, for Judge Baio.

b. Proposed Meeting Schedule

- i. January 29, 2025
- ii. April 30, 2025
- iii. July 30, 2025
- iv. October 29, 2025

Attorney Pocklington suggested changing the start time to 3:30. Discussion ensued. Time change and meeting schedule approved upon motion by Attorney Pocklington, seconded by Attorney Gentes, and unanimously carried.

Returning to Motions to Substitute

No objection to taking matter out of order now that attorney Pocklington is available.

Attorney Pocklington's memo was circulated prior to the meeting. Summary of the Issue: There are three different ways that Motions to Substitute are handled by the various clerk's offices. Seeking uniformity as to how the motions to substitute are handled on the docket. Notices are sent to unnecessary entities.

- 1) Complete replacement of the Plaintiff with the Substitute Plaintiff as the P01 party.
- 2) Addition of the substitute Plaintiff as a subsequent Plaintiff (P02, P03, etc.).
- 3) Addition of the substitute Plaintiff as a subsequent Plaintiff (P02, P03, etc.) and the removal of the prior Plaintiff as a party as if it had been Withdrawn as a party.

Attorney Pocklington's proposal is alternative #3 so that if the party is removed, they are still reflected on the docket but noted as removed.

Party	No Fee Party	Party Category	Party Type
P-01 JP MORGAN CHASE BANK, NATIONAL ASSOCIATION REMOVED		Plaintiff	Firm or Corporation
P-02 U.S. BANK TRUST NATIONAL ASSOCIATION, NOT IN ITS INDIVIDUAL CAPACITY BUT SOLELY AS OWNER TRUSTEE FOR RCAF ACQUISITION TRUST Attorney: MCCALLA RAYMER LEIBERT PIERCE LLC (101589) 280 TRUMBULL STREET 23RD FLOOR HARTFORD, CT 06103	File Date: 04/18/2024	Plaintiff - Substituted	Firm or Corporation

Discussion ensued.

Attorney Pocklington moved that the proposal as written be adopted by the committee. The motion was seconded by Attorney Generas, no further discussion, motion carries unanimously. Judge Baio will work with Attorney Schmitt to draft the proposal to send to Judge Bellis.

6. For the next meeting:

- a. Holding sales at the property
 - i. Attorney Gentes will email Attorney Schmitt regarding this new issue.
- b. HUD Drafting Table
 - i. Attorney Pocklington mentioned the proposed rules for public commentary or industry analysis- item potentially of concern- proposing that a lender with an FHA insured mortgage is required to make certain representations as to the amount necessary to satisfy the second HUD

mortgage, even though it is a separate document. Concern that there may be implications on affidavits of debt. Ongoing discussion but may come to a head before our next meeting. Add to new business for next meeting. Potential update by Attorney Pocklington relating to the FHA second mortgage issue

- c. Email Attorney Schmitt with any other new business prior to the holidays.
 - d. Add “other business” as a standing item on future agendas.
7. Adjourn
Upon motion to adjourn by Attorney Gentes, seconded by Attorney Generas, and carried unanimously, the meeting was adjourned at 3:53 p.m.