

MINUTES

FORECLOSURE PROCESS SUBCOMMITTEE MEETING

APRIL 24, 2008 at 2:00 pm

Members in attendance: Hon. Barry Pinkus, Atty Richard Leibert, Atty Adam Bendett, Atty Ronald Bender, Atty Rafie Podolsky, Atty Gary Sklaver, Atty Louis Zowine, Atty Peggy George

At 2:11 PM Judge Pinkus called the meeting to order and welcomed the members to the meeting.

Old Business:

Notice to be Attached to Complaint: Judge Pinkus requested comments on the Notice to be attached to the complaint. The members discussed the content of the notice, what types of foreclosure actions to which the notice would apply and whether it should be one form or two depending on the type of foreclosure action. This subcommittee will recommend to the Bench – Bar Foreclosure Committee that there be an amendment to the standing orders to require a Notice , as per the attached, be included as a cover sheet to a Summons and Complaint in all actions foreclosing mortgages, condo liens or municipal liens.

Motion to Open Judgment: The members discussed the proposed standing order regarding motions to open judgment of foreclosure drafted by Adam Bendett. There was concern that language should be added to state “provided the law days have not passed”. The members deemed it necessary to keep language in the notice regarding any objections. It was also suggested that the plaintiff attempt to notify all appearing parties rather than be required to verify that all parties received notice of the motion. This subcommittee will recommend to the Bench – Bar Foreclosure Committee that there be either a rule change or a standing order that incorporates the language as per the attached paragraph.

Recommendations from Last Meeting: The subcommittee reviewed suggestions from last meeting for recommendations to the Bench –Bar Foreclosure Committee.

The Process Subcommittee will make the following recommendations to the Bench – Bar Foreclosure Committee:

1. That there be an amendment to the standing orders to require a Notice , as per the attached, be included as a cover sheet to a Summons and Complaint in all actions foreclosing mortgages, condo liens or municipal liens.
2. That there be either a rule change or a standing order that incorporates the language as per the attached paragraph regarding motions to open judgments of foreclosure.
3. That all pleadings be certified to all parties whether appearing or non-appearing.
4. That there be a rule change to mandate that a motion for judgment not be filed before 30 days after the return date.
5. That the Standing Orders be modified to require that the preliminary statement of debt be detailed to include the principal, interest, per diem, escrow advances and corporate advances.
6. That there be a rule change to allow 10 days to respond to a demand for disclosure of defense before a motion for default may be filed.
7. That the property address that is the subject of the foreclosure be displayed on the Judicial Website Case Detail Page.

8. That anyone be able to have access to documents that have been electronically filed.

Approval of Minutes:

Minutes of March 20, 2008 meeting approved.

Meeting adjourned at approximately 3:28 pm.

DRAFT

YOU ARE IN DANGER OF LOSING YOUR HOME

Connecticut Superior Court requires us to send you this notice about the residential foreclosure process. This is not legal advice. Please read it carefully.

It is important that you learn about your options in foreclosure. There are government agencies, legal aid programs and other non-profit organizations that you may call for information about foreclosure.

To protect your rights, you should speak to an attorney or go to the Court where your case is pending for information on what to do next. **If you do not take action, you could lose your home.**

If you do not file an Appearance form with the Court, you will not receive important notices about your case AND *the Court may enter a default judgment against you.* File the Appearance form at the Court where your case is pending.

You are also encouraged to work with your lender or other person bringing this lawsuit or to contact a HUD-certified housing counselor during this process.

To locate assistance near you, you may call the State of Connecticut Department of Banking's toll-free hot-line Monday-Friday 8:00 a.m. to 5:00 p.m. at 1-877-472-8313 or visit the department's website at www.ct.gov/dob. You may also call 2-1-1 for other assistance.

PROCEED WITH CAUTION

You may be contacted by people offering to help you avoid foreclosure. Please follow these precautions:

1. Get legal advice before entering into any deal involving your house.
2. Get legal advice before paying any money to anyone offering to help you avoid foreclosure.
3. Do not sign any papers you do not understand.

MOTION TO OPEN JUDGMENT

Upon the Plaintiff filing a motion to open a judgment of foreclosure prior to vesting of title or the sale date, [accompanied by a withdrawal of action], and payment of the appropriate filing fee, said motion shall be deemed granted by the court, provided said motion sets forth that the Plaintiff has attempted to notify all appearing parties of the motion and no party has notified the Plaintiff of any objection to the granting of the same and that said motion sets forth that the committee and appraisal fees have been paid, or will be paid by the Plaintiff within 30 days of court approval. The court shall retain jurisdiction over said action to award committee fees and expenses and appraisal fees if necessary, as well as to act on a motion by any party to restore the case to the docket, so long as the motion to restore is filed within 120 days of the withdrawal of the action.