

**FORECLOSURE BY SALE
STANDING ORDERS**

JD-CV-79 Rev. 10-10
June Special Session, Public Act No. 10-1

STATE OF CONNECTICUT

SUPERIOR COURT

www.jud.ct.gov



Uniform Standing Orders for Foreclosure by Sale

Unless otherwise ordered by the Court, these are the Standing Orders for Foreclosures by Sale:

1. The committee will be appointed by the court from a list of approved attorneys maintained by the clerk's office. A committee shall only be appointed in the Judicial District where the attorney's main office is located.
2. Within 10 days following the entry of judgment of foreclosure by sale, the plaintiff must send a letter by certified mail, return receipt requested, and by regular mail, to all nonappearing defendant owners of the equity and a copy of the notice must be sent to the clerk's office and the committee. The letter must contain the following information: a.) the letter is being sent by order of the Superior Court; b.) terms of the judgment of foreclosure by sale; c.) the nonappearing defendant owner(s) of the equity risk the loss of the equity if they do not take steps to protect that equity and the owner (s) should check with the Clerk of the Court after the sale to learn if there may be any money that is distributable to them; d.) the nonappearing defendant owner(s) should either file an individual appearance or have counsel file an appearance in order to protect their interest in the equity. The plaintiff must file the return receipt with the Court. No sale will be approved or funds disbursed without proof of mailing.
3. Except for filing an appearance the committee must not incur committee fees or expenses until 45 days (the "bar date") before the sale.
4. The committee must adhere to the guidelines in the Uniform Procedures for Foreclosure by Sale Matters (JD-CV-81) and must use court approved forms where applicable.
5. Following the bar date, the committee must get a full title search of the premises. The fee must not exceed \$225.00. The committee may not personally perform the title search.
6. At the time of judgment, a disinterested appraiser (that is, other than the plaintiff's appraiser) will be appointed by the Court and will, under oath, appraise the property and file the appraisal with the Clerk of the Court at least 10 (ten) days prior to the sale. The committee must communicate with the appraiser to make sure that the return of appraisal is filed with the Court as ordered.
7. The sale will take place at 12:00 noon on the premises.
8. The inspection of the premises must be from 10:00 a.m. to 12:00 noon on the date of sale.
9. The deposit is 10% of the fair market value as found by the Court and is waived for the plaintiff. The deposit is to be paid by either bank or certified check. The committee must collect all deposit instruments from potential bidders at the time the bidders register to bid.
10. Any Court-ordered advertisement must be posted on the Judicial Branch website through the Foreclosure Ad Posting program available to the Committees through E-Services. The Committee must post the ad on the judicial website after the bar date, with the notice to run from ten (10) days after the bar date until the day after the sale date. In addition, an advertisement must be placed in a newspaper on two (2) separate dates in accordance with the list of newspapers and publication dates below, unless otherwise ordered by the court. The newspaper ad (example below) should specify only the docket number, case name, property address, property type, date of sale, committee's name and phone number and a directive to see foreclosure sales on the Judicial Branch website, www.jud.ct.gov for more details.

Format for newspaper advertisement:

LEGAL NOTICE

FORECLOSURE AUCTION SALE

Docket No. ____ CV-- ----- Case Name:

Property Address:

Property Type: (Residential or Commercial or Vacant Land)

Date of Sale:

Committee Name:

Committee Phone Number:

See Foreclosure Sales at www.jud.ct.gov for more detailed information

11. The sign must be placed on the premises not less than 20 nor more than 30 days prior to the sale. The committee is not required to place a sign where the property is a condominium or cooperative, unless the property is a stand alone building unit in a common interest community.
12. The size of the sign must be 3 feet wide and 2 feet high and must contain the following statement:
DO NOT REMOVE; VIOLATION SUBJECT TO PUNISHMENT BY THE COURT.
13. The cost of the sign must not exceed the amount authorized by the Court including preparation, erection and photographing for inclusion in the committee report.
14. The committee is authorized to replace the sign once without Court approval, provided the sign can be erected at least ten days before the sale. The committee may not personally erect the sign.

15. The committee must obtain liability insurance for the date of the sale in the amount of \$1,000,000. The premium must not exceed \$250.00.
16. At the request of the plaintiff, the committee must provide the plaintiff with the committee's estimated fees and costs no later than 2 (two) business days after the request.
17. The plaintiff may bid at the foreclosure sale by attending the sale or by sending a bid to the committee by facsimile transmission or e-mail transmission on the Court approved form. The plaintiff's written bid must be received by the committee's office no later than 2:00 p.m. on the Friday before the sale date, or at such other time as is agreed to between the plaintiff's attorney and the committee. The plaintiff must obtain and retain a confirmation report of the facsimile transmission from its facsimile machine or a return receipt of the e-mail. The committee must notify the plaintiff's attorney by return facsimile or e-mail promptly, but no later than 4:00 p.m. on the Friday before the sale date, that the committee received the bid or at such other time as is agreed to between the plaintiff's attorney and the committee. The committee must obtain and keep a confirmation report of the facsimile transmission from its facsimile machine or a return receipt of the e-mail. Failure of the committee to confirm receipt of the bid will not affect the validity of the plaintiff's written bid. Unless authorized by the plaintiff, the committee must not disclose plaintiff's written bid before announcing it at the commencement of bidding, except to an employee or attorney in practice with the committee if necessary for the committee to fulfill its duties. The plaintiff may withdraw or change its bid before the opening of bidding by attending the foreclosure sale in person, by the plaintiff's attorney or by a duly authorized agent, and notifying the committee of the withdrawn or changed bid. Nothing in these standing orders precludes the plaintiff or the plaintiff's attorney or authorized agent from appearing in person or from participating in the bidding process. The plaintiff's written bid will be deemed to be the first bid made at the foreclosure sale and the committee must register the plaintiff at the foreclosure sale as Bidder No.1, must announce the plaintiff's bid at the commencement of the bidding, and must record the plaintiff's written bid as the first bid.
18. If the sale is cancelled for any reason after publication or erection of the sign, the committee must post a written announcement of cancellation on the premises on the date of the sale. On the date of the cancelled sale, the committee must be at the premises from 10:00 a.m. until a reasonable period of time has elapsed.
19. If the committee receives notice of bankruptcy, the plaintiff's attorney must be promptly notified.
20. The high bidder/purchaser must close no sooner than 21 days but no later than 30 days from the date of notice of the Court's approval of the committee sale. The deposit may be forfeited if the purchaser does not close within 30 days of the notice of approval of the committee sale. At the closing, the successful bidder shall provide the Committee with a certified or bank check payable to the Clerk of the Superior Court, for the balance of the purchase price. The successful bidder must record the committee deed within 30 days of the closing.
21. The committee must file a return of sale within 14 days from the date of the closing.
22. The sale is subject to any and all liens choate and inchoate which are prior in right to the encumbrance being foreclosed.
23. A motion for supplemental judgment should be filed with the court as soon as possible after the committee conducts the closing. The motion for supplemental judgment must be filed even if the plaintiff is the successful bidder and no money will be paid into court. A copy of the original note should be submitted along with the motion. The motion should request payment for all parties that may be eligible for payment upon disbursement of the proceeds of sale and include an affidavit of debt for each eligible party. The plaintiff's affidavit of debt should include the annual and daily rate of interest, the amount of the interest, the number of days and the dates used to calculate the interest period (date of entry of the judgment of foreclosure by sale to the date of disbursement, which includes the 20-day appeal period), principal amount of the debt, date of the committee's conveyance, insurance premium amount, if any, and dates of coverage with documentation, amount of any taxes paid and term covered with documentation, amounts claimed for property preservation with documentation. A proposed supplemental judgment which includes the actual addresses of all parties listed in the complaint should be attached to the motion and also forwarded to the court clerk by e-mail to allow the court to make any necessary corrections. Debt calculations may not include credit line maintenance, broker price opinions, real estate taxes after the committee conveyance or insurance premiums after the committee conveyance.

By Order of the Court

_____, J.

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA/

Unless otherwise ordered by the court:

JUDICIAL DISTRICT	NEWSPAPER	PUBLICATION DATES
Ansonia-Milford	Connecticut Post	For Oxford & Shelton properties only, the two Saturdays prior to the Sale Date
Ansonia-Milford	Waterbury Republican-American	For Beacon Falls properties only, the two Sundays prior to the Sale Date
Ansonia-Milford	New Haven Register	For all other Ansonia-Milford JD properties, the two Sundays prior to Sale Date
Danbury	Danbury News Times	The two Fridays prior to Sale Date
Fairfield	Connecticut Post	The two Saturdays prior to Sale Date
Hartford	Hartford Courant	The two Sundays prior to Sale Date
Litchfield	Litchfield County Times	As specified by the court
Middlesex	Middletown Press	The Saturday three weeks prior to the Sale Date and the Saturday one week prior to the Sale Date
New Britain	The Bristol Press, The Hartford Courant or New Britain Herald	As specified by the court
New Haven	Meriden Record-Journal	For Meriden properties only, the Sunday prior to the Sale Date and the Wednesday prior to the
New Haven	New Haven Register	Sunday
New London	New London Day & Norwich Bulletin	For all other New Haven JD properties, the Sunday prior to the Sale Date and the Wednesday prior to the Sunday
Stamford	Greenwich Time	Norwich Bulletin the Saturday two weeks before Sale Date and the New London Day the Saturday one week before the Sale Date
Stamford	Norwalk Hour	For Greenwich properties only, the two Fridays prior to the Sale Date
Stamford	Stamford Advocate	For Norwalk, Weston, Westport and Wilton properties only, the two Fridays prior to the Sale Date
Tolland	Hartford Courant	For all other Stamford JD properties, the two Fridays prior to the Sale Date
Waterbury	Waterbury Republican-American	The two Sundays prior to Sale Date
Windham	Norwich Bulletin, and as below Shopper's Guide	The Sunday prior to Sale Date
Windham	Turnpike Buyer	For Eastford, Pomfret, Putnam, Thompson and Woodstock properties only, during the week prior to the Sale Date
	Willimantic Chronicle	For Brooklyn, Canterbury, Killingly, Plainfield, Sterling properties only, during the week prior to the Sale Date
		For Chaplin, Hampton, Scotland and Windham properties only, during the week prior to the Sale Date