

**PROPERTY EXECUTION PROCEEDINGS
APPLICATION, ORDER, EXECUTION**

JD-CV-5 Rev. 9-09, C.G.S. §§ 52-356a, 52-356d
P.A. 03-266 Sec. 9

See Back/Page 2 for Instructions to person in possession of property of Judgment Debtor

**STATE OF CONNECTICUT
SUPERIOR COURT**

www.jud.ct.gov



To Judgment Creditor or Attorney

Type or print original and four copies of the Application. If judgment debtor is a natural person, attach copy of form JD-CV-5b. Present original and 3 copies to clerk of court. Enter name and address of person to receive issued execution in the address box below. See **Notice to Judgment Creditor or Attorney** on back/page 2.

Name and mailing address of Judgment Creditor or Attorney
(To be completed by Judgment Creditor or Attorney)

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To Clerk

Check the file to ensure that no stay of enforcement has been entered on the judgment, the time for filing an appeal of the judgment has expired, no appeal has been filed staying enforcement of the judgment and that the information provided on the application is correct. Sign original execution; return original and 2 copies to the applicant. Retain a copy for the file.

To Proper Officer

Make execution as directed in the "Execution" section below. Attach return to signed original within 4 months from the date this execution issued. If judgment debtor is a natural person, attach exemption claim form JD-CV-5b to copy(ies) of execution served. **Complete Section II on exemption claim form.**

APPFEXT



EXISSUE



EXRETD



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(Fold)	Address of Court (Number, street, and town) <input type="checkbox"/> Geographic Area <input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session		Date of judgment	Docket number
Application	Name(s) and address(es) of Judgment Creditor(s) making application		Name(s) and address(es) of Judgment Debtor(s) (Include any necessary identification information)	
Execution	1. Amount of judgment (Include, where applicable, prejudgment interest and attorney's fees)	2. Amount of costs and fees	3. Total amount of judgment, costs and fees (Add 1 and 2)	
	4. Total amount paid (If any)	5. Total amount unpaid (Subtract 4 from 3)	6. Application fee for property execution (If not waived by the court)	7. total of lines 5 and 6
	Is this judgment arising out of services provided at a hospital? <input type="checkbox"/> No <input type="checkbox"/> Yes (If yes, see Notice to Judgment Creditor or Attorney on back/page 2)			
	Is this a Consumer judgment? ("Consumer judgment" means a money judgment of less than \$5,000 against a natural person resulting from a debt incurred primarily for personal, family or household purposes) <input type="checkbox"/> No <input type="checkbox"/> Yes If yes, has a stay of property execution been entered pursuant to an installment payment order? <input type="checkbox"/> No <input type="checkbox"/> Yes			
	If a stay of property execution has been entered, has the Judgment Debtor defaulted on an installment payment order? (Specify)			
	Signed (Judgment Creditor or Attorney)		Date signed	Telephone number (Include area code)
	<p>To Any Proper Officer:</p> <p>Whereas on said date of judgment the Judgment Creditor(s) recovered judgment against the Judgment Debtor(s) before the court for the amount stated, as appears of record, whereof execution remains to be done. These are, therefore, BY AUTHORITY OF THE STATE OF CONNECTICUT TO COMMAND YOU: That of the nonexempt goods of said Judgment Debtor(s) within your precincts, you cause to be levied (the same being seized and sold as the law directs), paid and satisfied to said Judgment Creditor(s) the total unpaid amount of said judgment, plus your own fees in the following manner: You shall personally serve a copy of this execution on the judgment debtor, and if the judgment debtor is a natural person, a copy of the exemption claim form (JD-CV-5b), and make demand for payment by the judgment debtor of all sums due under the money judgment. On failure of the judgment debtor to make immediate payment you are commanded to levy on nonexempt personal property of the judgment debtor, other than debts due from a banking institution or earnings, sufficient to satisfy the judgment as follows: If such nonexempt personal property is in the possession of the judgment debtor, you shall take such personal property into your possession as is accessible without breach of peace. If the judgment debtor has left the state prior to service of this execution, or if he cannot be found with reasonable effort at his last known address in this state, you shall proceed with the levy after (1) making demand for payment at such last known address and on any agent or attorney of the judgment debtor of record with the clerk of the Superior Court and (2) making a reasonable effort to ascertain and provide notice of the execution at any forwarding address.</p> <p>See back/page 2 for additional command regarding Demand on Third Person.</p> <p>HEREOF FAIL NOT, AND MAKE DUE RETURN OF THIS WRIT WITH YOUR DOINGS THEREON, ACCORDING TO LAW, WITHIN FOUR MONTHS HEREOF.</p> <p>NOTICE: THE JUDGMENT DEBTOR'S NONEXEMPT PERSONAL PROPERTY IS SUBJECT TO LEVY, SEIZURE, AND SALE BY THE PROPER OFFICER PURSUANT TO THIS EXECUTION.</p>			
	Signed (Assistant Clerk)		On (Date)	
	FOR COURT USE ONLY			

Instructions (continued from front/page 1)

PERSON IN POSSESSION OF PROPERTY OF JUDGMENT DEBTOR WHO IS A NATURAL PERSON — Pursuant to Gen. Stat. 52-356a, you are required to mail to the judgment debtor indicated on the front/page 1 at his or her last known address, postage prepaid, a copy of this property execution and the attached property execution exemption claim form. Complete Section III on exemption claim form before mailing it to judgment debtor. Twenty days from the date of the service of this property execution, you must deliver to the proper officer property owned by the judgment debtor in your possession or you must deliver to the proper officer payment of a debt owed by you to the judgment debtor. EXCEPT (1) If an exemption claim has been filed with the court you shall withhold delivery of the property or payment of the debt owed by you subject to the determination of the exemption claim by the court and (2) if the debt owed by you to the judgment debtor is not due at the expiration of the twenty days, you shall pay the amount to the proper officer when the debt becomes due if it becomes due within four months after the date of issuance of this execution.

PERSON IN POSSESSION OF PROPERTY OF JUDGMENT DEBTOR WHO IS NOT A NATURAL PERSON — Pursuant to Gen. Stat. 52-356a, you are required to deliver to the proper officer, property in your possession owned by the judgment debtor or pay to the proper officer the amount of a debt owed by you to the judgment debtor, provided, if the debt owed by you is not yet payable, payment shall be made to the proper officer when the debt becomes due if it becomes due within four months after the date of issuance of this execution.

Notice To Judgment Creditor Or Attorney

Pursuant to Public Act 03-266, Section 9, in the case of a judgment arising of services provided at a hospital, no application for a property execution shall be made until the court has (A) issued an order for installment payments in accordance with Gen. Stat. 52-356d, (B) made a finding that the debtor has defaulted on payments under the order, and (C) lifted the mandatory stay concerning noncompliance or default, and decide whether to modify the installment payment plan, continue the installment payment plan, or lift the stay.

Execution (continued)	Demand On third Person (continued from front/page 1)
	<p>A. If judgment debtor is a natural person: On failure of the judgment debtor to make immediate payment of all sums due under the money judgment, and upon your being unable to levy on nonexempt personal property of the judgment debtor in the judgment debtor's possession and, if the judgment debtor has left the state prior to the service of this execution, upon your being unable to obtain payment sufficient to satisfy the judgment by making demand for payment at the judgment debtor's last known address in this state and on any agent or attorney of the judgment debtor of record with the clerk of the Superior Court, you are also commanded to make demand upon any third person having possession of nonexempt personal property of the judgment debtor for payment to you, or to levy on any nonexempt personal property or debt due said judgment debtor sufficient to satisfy the total amount of judgment unpaid pursuant to Gen. Stat. 52-356a(4)(c). After having made such demand you are directed to serve two true and attested copies of this execution, together with the exemption claim form, with your doings endorsed thereon, on the third person upon whom such demand was made.</p> <p>B. If judgment debtor is not a natural person: On failure of the judgment debtor to make immediate payment of all sums due under the money judgment and upon your being unable to levy on nonexempt personal property of the judgment debtor in the judgment debtor's possession and, if the judgment debtor has left the state prior to the service of this execution, upon your being unable to obtain payment sufficient to satisfy the judgment by making demand for payment at the judgment debtor's last known address in this state and on any agent or attorney of the judgment debtor of record with the clerk of the Superior Court, you are also commanded to make demand upon any third person having possession of nonexempt personal property of the judgment debtor for payment to you or to levy on any nonexempt personal property or debt due said judgment debtor(s) sufficient to satisfy the total amount of the judgment unpaid pursuant to Gen. Stat. 52-356a(4)(c).</p>