

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-120		5170	2	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> <i>Judiciary 697-698</i> 				<u>House Pages:</u> <ul style="list-style-type: none"> <i>1438</i> 	<u>Senate Pages:</u> <ul style="list-style-type: none"> <i>1159-1160</i>

H-110

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

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974-1450**

Tuesday, April 13, 1971 95.

For the record, on the Bill that was passed, the Clerk found the Amendment, which was mislaid, and House Amendment Schedule "A" was offered by Rep. Ciampi, of the 89th.

MR. SPEAKER:

May the record so indicate.

THE CLERK:

Calendar No. 285, H.B. No. 5170, an Act concerning jurisdiction of foreclosure or redemption suits. File No. 226.

JAMES F. BINGHAM:

Mr. Speaker, I move acceptance of the Joint Committee's favorable report and passage of the Bill.

MR. SPEAKER:

Question is on acceptance and passage. Will you remark.

JAMES F. BINGHAM:

Mr. Speaker, the purpose of this Bill is to permit suits to foreclose or redeem mortgages or liens upon real estate and states that they shall be brought in the county circuit or district in which the land is situated. The statute as it now stands permit county and district. We are trying to eliminate an oversight when the statute was enacted at the first time, and we are adding that the Circuit Court system shall be added to the list where the suits could be brought. This is a good Bill, and it should pass, Mr. Speaker.

MR. SPEAKER:

Further remarks on the Bill. If not, all those in favor indicate by saying "aye". Those opposed. The Bill is passed.

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SENATE

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Question is on passage. Will you remark further? If not, all those in favor say, "aye". Opposed, "nay". The ayes have it. Bill is passed.

THE CLERK:

CAL. NO. 266. File No. 328. Favorable report of the joint committee on Liquor Control. Senate Bill 725. An Act Concerning the Mandatory Refusal of Liquor Permits.

SENATOR MURPHY:

Mr. President, I urge the adoption of the joint committees favorable report and passage of this bill. All this bill does is, remove from the disability in order to receive liquor permits and also to work it outlets A selectman whose been elected to office, so long as he holds an office in a town, which is different from which the outlet is located.

THE CHAIR:

Question is on passage. Will you remark further? If not, all those in favor signify by saying, "Aye". Opposed, "nay". The bill is passed.

THE CLERK:

CAL. NO. 270. File No. 226. Favorable report of the joint committee on Judiciary. House Bill 5170. An Act Concerning Jurisdiction of Foreclosure or Redemption Suits.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. This bill merely extends the jurisdiction forclosure actions to circuits for the circuit court foreclosures as well as the counties or districts in the Common Pleas, Superior Court. I urge passage.

THE CHAIR:

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Question is on passage for the bill. Will you remark further? If not, all those in favor signify by saying, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 273. File no. 223. Favorable report of the joint committee on Judiciary. House Bill 5661. An Act Concerning Approval by State Referees of Land Purchase on Highways.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. Present law provides that the Commissioner of Transportation can purchase condemned property, without the approval of a referee up to a value of \$3000, this extends that figure from \$3000 to \$15, 000. I urge the adoption.

THE CHAIR:

Will you remark further? If not, all those in favor say, "aye". Opposed, "nay". The ayes have it. The bill is passed.

THE CLERK:

CAL. NO. 275. File No. 222. Favorable report of the Joint Committee on Public Health and Safety. House bill no. 6909. An Act Permitting Persons over 18 years of age to Donate Blood without Parental Permission in Certain instances.

SENATOR PAC:

Mr. President, I move acceptance of the joint committee's favorable report and passage of the bill. This bill would permit any person over the age of 18 to contribute or donate blood. When we think of the vast reservoir of possible donations that the campuses represent, this bill becomes

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STANDING
COMMITTEE
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I have one comment to make on the Bill that I have not discussed with the proponents and that is that it might very well be a sensible thing. As I understand, one of the purposes of the Bill is to make it possible for a contractor - acting in his own behalf to file a notice of intention and claim lien. It might be sensible and furtherance in that desire to specify by depiction in the statute itself the form that this notice is to take in addition to specifying the data to be included in that notice so that any person might go directly to the Statutes and reproduce from the Statutes the form of the notice that he then takes to the Town Clerk after completing filling it out.

I would like to take one more moment of your time to put in a bid for a Bill that I have asked to be drafted by the Legislative Commissioner's Office and would also go to the Mechanic's Lien Statutes but which Bill has not seen the light of day as yet and it concerns the matter of sub-contractors - speaking from their point of view now, who do work in a dollar value - \$500 or less perhaps and I have in my district, an excavation subcontractor who falls into this category who finds the remedy afforded by the Mechanic's Lien Statute to be, in fact, no remedy at all. The fact that he can file an intention - a notice of intention to claim on his own motion, after this Bill is passed - if it is - is fine but thereafter he must engage the services of an attorney and the attorney, if the sum of money is \$500 or less, finds it a bothersome thing I am sure. To prosecute a suit to foreclose the lien and the net avails of the proceeding to the contractor is minimal as the result of the need to pay cost and fees.

My suggestion is that the statute be further revised to provide some sort of summary for foreclosure proceedings and to a small claims actions now possible in the Circuit Court. I would ask that you consider that as well.

Sen. Rome:not understandable.

Rep. Donnelly: I say it is being drafted now and I have been after the Legislative Commissioner for more than a month and I have not gotten it yet.

Sen. Jackson: Are there any other members of the General Assembly, if not, we will go back to the public speaker's list and I would remind those of you who came in late that there is a list on the table in the rear and I would ask you to sign it if you desire to speak. Attorney Gallivan to be followed by James Carey.

Mr. Gallivan: Mr. Chairman, Members of the Committee, I am speaking on behalf of the Real Property Section of the Connecticut Bar Association. I have quite a few Bills to speak on and I will keep most of my remarks very brief.

H.B. #5163 - AN ACT CONCERNING ACTIONS FOR PARTITION OR SALE OF PROPERTY.

H.B. #5170 - AN ACT CONCERNING JURISDICTION OF FORECLOSURE OR REDEMPTION SUITS.

Speaking in reference to H.B. #5163 and also H.B.#5170. Both of these Bills - they are little housekeeping Bills. What they do is add to the statute the jurisdiction of the Circuit Court to actions for partitions of Real Estate as well as actions to a foreclosure. As both of the existing statutes which these bills allude have omitted reference to Circuit Courts - Circuit Courts were instituted.

H.B. #5164 - AN ACT CONCERNING INDEFINITE REFERENCES IN RECORDED INSTRUMENTS.

This is a Bill having to do with indefinite references. The philosophy behind that Bill is the recognition that a reference at any recorded title transaction to outstanding interest or outstanding incumbrances whether they can or cannot be found of record - whether they are or are not of record. Results in rendering that title unmarketable simply because under the existing law, any grantee takes subject to that referred to interest whether it is on record or whether it is not on record.

And this statute provides that if a person is not otherwise subject to that interest - in other words if he does not have interest outside of the indefinite reference then the indefinite reference to an interest does not render the title of marketable, will not charge him with any interest.

Because the statute is all inclusive in the price to exist the indefinite reference, there is a provision that the parties may, within one year after the passage of the act, record a notice of an instrument when that notice would not otherwise appear in a line of title so as to charge a person with notice. I might say that the Connecticut Law is also in accord with the majority. A view point on this that indefinite references, even to unrecorded documents will make that person subject to making an inquiry to find out about the unrecorded instrument.

H.B. #5174 - AN ACT CONCERNING LIMITATION OF MECHANIC'S LIEN.

What this Bill endeavors to do is to provide that not only must a lienor institute a foreclosure action within a second two year period, but that he must indicate upon the land records that he did secure a judgment of foreclosure by recording this statutory foreclosure certificate. So that the Title Examiner is not required to go to the Court Records in order to check out whether or not that particular action would reduce the judgment. In other words, the Title Examiner can now determine from an examination the land record 1) whether the action was instituted within two years, 2) whether the foreclosure judgment was rendered within the next two year period.

This statute also eliminates the last provision of the existing law which provided that the lien would be released by the Town Clerk upon the request of any owner.

In view of the other Bill that I now wish to discuss which is H.B. #5165 which provides for an automatic discharge or extinguishment of mechanic's liens and judgment liens as long as the effective statute of limitations is applicable to each have not been complied with. In other words, 39

H.B. #5165 - AN ACT CONCERNING RECORD OF DISCHARGE OF MECHANIC'S AND JUDGMENT LIENS.