

Act Number	Session	Bill Number	Total Number of Committee Pages	Total Number of House Pages	Total Number of Senate Pages
PA 71-181		5165	2	1	2
<u>Committee Pages:</u> <ul style="list-style-type: none"> Judiciary 698-699 				<u>House Pages:</u> <ul style="list-style-type: none"> 1761(consent) 	<u>Senate Pages:</u> <ul style="list-style-type: none"> 1509-1510

H-111

**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
1971**

**VOL. 14
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1451-1967**

Wednesday, April 28, 1971 11.

MBS

On page 2, Calendar No. 482, House Bill No. 5163, An Act Concerning Actions for Partition or Sale of Property, file number 403.

Calendar No. 483, Substitute for House Bill No. 5165, An Act Concerning Record of Discharge of Mechanic's and Judgment Liens, file number 414.

Calendar No. 484, Substitute for House Bill No. 5283, An Act Concerning the Rendering of Professional Services Through a Professional Service Corporation by Psychologists, file number 413.

Calendar No. 488, Substitute for House Bill No. 8026, An Act Concerning the Return Day for Appeals in Civil Actions, file number 407.

Calendar No. 490, Substitute for House Bill No. 8010. An Act Concerning Copies of Files and Testimony in Criminal Cases, file number 406.

Calendar No. 498, Substitute for House Bill No. 6136, An Act Concerning the Definition of Annual Salary for Teacher Retirement Purposes, file number 448.

Calendar No. 502, Substitute for House Bill No. 7955, An Act Concerning Election of Retirement Benefits by New State Employees, file number 455.

On page 3, Calendar No. 506, Substitute for House Bill No. 8699, An Act Concerning Municipal Public Health Directors, file number 463.

S-79

**CONNECTICUT
GENERAL ASSEMBLY**

SENATE

**PROCEEDINGS
1971**

**VOL. 14
PART 4
1457-1920**

May 4, 1971

Page 11

report and passage of the bill. Very briefly, it allows for partition actions to be brought now in the Circuit Court as well as in other courts.

Clerk has an amendment.

THE CLERK:

SENATE AMENDMENT "A" OFFERED BY SENATOR CASHMAN:

In line 8, after the word "district" insert "then the action shall be brought."

SENATOR CASHMAN:

Mr. President, I move adoption of the amendment. The purpose for the amendment is really self-explanatory. It's to make the bill read a little bit better and it doesn't change the bill at all.

THE CHAIR:

Will you remark further on passage of the amendment? If not, all those in favor signify by saying, "aye". Opposed, "nay". The amendment is adopted

Senator Caldwell, will your remarks stand?

SENATOR CALDWELL:

That is correct. I now move for the adoption of the bill, as amended by Senate Amendment Schedule A.

THE CHAIR:

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

THE CLERK:

CAL. NO. 465. File No. 414. Favorable report of the joint committee on Judiciary. Substitute House Bill 5165. An Act Concerning Record of Discharge of Mechanic's And Judgement Liens.

May 4, 1971

Page 12

SENATOR CALDWELL:

Mr. President, I move the acceptance of the joint committee's favorable report and passage of the bill. It's a very technical bill which discharges invalid mechanic's liens which sometimes are left on the land records and create a cloud on the title. I urge the adoption of the bill.

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. 467. File No. 413. Favorable report of the joint committee on Judiciary. Substitute House Bill 5283. An Act Concerning the Rendering of Professional Services Through a Professional Service Corporation by Psychologists.

SENATOR CALDWELL:

Mr. President, I move the acceptance of the committee's favorable report and passage of the bill. This merely adds Psychologists to the now long list of authorized professional people allowed to incorporate. I urge passage.

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. 472. File No. 448. Favorable report of the joint committee on Public Personnel and Military Affairs. Substitute House Bill 6136. An Act Concerning the Definition of Annual Salary for Teacher Retirement Purposes.

SENATOR BURKE:

Mr. President, I move the passage of the joint committee's favorable

**JOINT
STANDING
COMMITTEE
HEARINGS**

JUDICIARY

**PART 3
689-1000**

1971

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.

applies to mechanic's liens and with the changes, we advocate recording the certificate of foreclosure of judgment. You can tell now, from an examination of land records, whether or not the mechanic's lien limitation statute has been complied with and you can also tell whether or not the judgment liens of limitations has been complied with.

There should not be any requirement of going to the owner of the lien to require him to release it. It would appear on record that the limitations statute has not been complied with then the respective liens should be extinguished by operation of law.

H.B. #5167 - AN ACT CONCERNING THE UNAUTHORIZED RECORDING OF CLAIMS AGAINST REAL PROPERTY.

H.B. #5167 has to do with a problem that all conveyances meet up with and that is finding a bond of land records, a statement usually prepared by a layman, that some certain party claims an interest in property and it is nothing more than a blackmail normally - a situation. But under the existing law, most attorneys shy away from it. This statute endeavors to outlaw any such statements unless there is a provision by statute permitting them to be recorded and the existance of these caveat statement upon the land records shall outweigh in any way to effect the marketability of the title so that Title Examiners can ignore them and not required now to go to the person to hold up a transaction to try to get a release because they have no statutory authorization as it is.

Sen. Rome: You know on that point, they have no statutory authorization now... ..Do you feel that this would substantially change them?

Mr. Gallivan: Oh, definitely because these provide specifically that the existance of these unreleased upon the land records shall not effect the title

Sen. Rome: Do you feel that this eliminate any by a title company and insure a title?

Mr. Gallivan: Yes, without question.

H.B. #5168 - AN ACT CONCERNING THE POWER OF LENDERS TO SECURE FUTURE ADVANCEMENTS OF MONEY AND TO COMPLETE WORK IN PROGRESS IN THE EVENT OF DEFAULT.

This Bill is an attempt to supplement add to Section 49-3 dealing with the construction advances to lenders pursuant to the statute. As you know that statute changed the common law so that advances now may be made at the discretion of the lender.

The first change we advocate is to make certain that the statute site improvements as well as buildings. There is a difference of opinion among conveyances now whether you can use that statute when the lender is simply lending money for site improvements, road construction, water facilities, storm water facilities, drainage facilities of any kind; and by the addition we have the language and we eliminate that doubt.