

PA12-187

HB5539

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**CONNECTICUT
GENERAL ASSEMBLY
HOUSE**

**PROCEEDINGS
2012**

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Hearing none, the item is placed on the consent calendar.

Will the Clerk please call Calendar Number 287.

THE CLERK:

On page 34, Calendar 287, Substitute for House Bill Number 5539, AN ACT CONCERNING RECORDING FEES, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

I move for acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark?

REP. GENTILE (104th):

Thank you, Mr. Speaker.

The Clerk has an amendment, LCO Number 5384. I would ask that the Clerk please call the amendment and that I be granted leave to summarize.

SPEAKER DONOVAN:

The Clerk please call LCO 5384, designated House "A."

]

THE CLERK:

LCO 5384, House "A," offered by Representative
Gentile, et al.

SPEAKER DONOVAN:

Any objection to summarization?

Hearing none, you may proceed.

REP. GENTILE (104th):

Thank you, Mr. Speaker.

Mr. Speaker, this is a strike-all amendment that has been negotiated by CCM, town clerks, bankers and all parties. And what it does is it allows that mortgage or lien filings can be filed to contain no more than 20 releases per page. And I urge passage -- urge adoption.

SPEAKER DONOVAN:

Urge adoption.

Remark further?

Representative Smith, on the amendment.

REP. SMITH (108th):

Yes. Thank you. And I know we're moving quickly. I just, for legislative intent purposes, just to the proponent a quick question.

I just want to make sure that this only applies to assignment of mortgages and not to any other type of deed or document.

Through you, Mr. Speaker.

SPEAKER DONOVAN:

Representative Gentile.

REP. GENTILE (104th):

Through you, Mr. Speaker.

That is absolutely correct.

SPEAKER DONOVAN:

Representative Smith.

REP. SMITH (108th):

Thank you, Mr. Speaker.

SPEAKER DONOVAN:

Care to remark further on the amendment? Care to
remark further on the amendment?

If not, let me try your minds.

All those in favor of the amendment, please signify
by saying aye.

REPRESENTATIVES:

Aye.

SPEAKER DONOVAN:

Opposed, nay.

The ayes have it. The amendment is adopted.

Remark further on the bill as amended?

Representative Gentile.

REP. GENTILE (104th):

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Thank you, Mr. Speaker.

I would urge -- move this to the consent calendar,
please.

SPEAKER DONOVAN:

The motion is to place this item on the consent calendar.

Any objection? Any objection?

Hearing none, the item is placed on the consent calendar.

Will the Clerk please call Calendar 292.

THE CLERK:

On page 11, Calendar 292, House Bill Number 5146, AN ACT CONCERNING PROFESSIONAL LIABILITY INSURANCE FOR ATTORNEYS.

SPEAKER DONOVAN:

Representative Fox.

REP. G. FOX (146th):

Thank you, Mr. Speaker.

I move for the acceptance of the joint committee's favorable report and passage of the bill.

SPEAKER DONOVAN:

The question is on acceptance and passage.

Will you remark?

REP. G. FOX (146th):

mr/ch/rgd/gdm/gbr
HOUSE OF REPRESENTATIVES

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calendar.

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker..

Mr. Speaker, I'm about to call the items again that are on the consent calendar, but I would like to alert the Clerk to two bills that we will be taking off the consent calendar. They are Calendars 380, and Calendars 431. Those are Calendars 380 and Calendar 431.

HB5333
SB130

SPEAKER DONOVAN:

Will the Clerk please call Calendar 204.

THE CLERK:

On page 6, Calendar 204, Substitute for House Bill Number 530, AN ACT CONCERNING THE BOARD IN CONTROL OF THE CONNECTICUT AGRICULTURAL EXPERIMENT STATION, favorable report by the Committee on Government Administration and Elections.

SPEAKER DONOVAN:

Representative Sharkey.

REP. SHARKEY (88th):

Thank you, Mr. Speaker.

With that, let me -- I was looking to just list the calendar numbers again that we are planning to put on the consent calendar before I move them. I'll be doing this

mr/ch/rgd/gdm/gbr
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in numerical order by calendar number.

They are Calendar Number 71, Calendar 204, Calendar 205, Calendar 287, Calendar 292, Calendar 330, Calendar 402, Calendar 407, Calendar 412, Calendar 417, Calendar 425, Calendar 426, Calendar 442, Calendar 458, Calendar 460.

Calendar 463, Calendar 492, Calendar 495, Calendar 499, Calendar 500, Calendar 501, Calendar 506, Calendar 507, Calendar 508, Calendar 512, Calendar 515, Calendar 516, Calendar 530, Calendar 538 and Calendar 545.

And I'd also like to add to that -- I'm sorry. I omitted one which is Calendar 275.

SPEAKER DONOVAN:

The question before us is passage of the bills on today's consent calendar.

Will you remark? Will you remark?

If not, staff and guests please come to the well of the House. Members take their seats. The machine will be open.

THE CLERK:

The House of Representatives is voting by roll call.
Members to the Chamber. The House is voting the consent calendar by roll call. Members to the Chamber, please.

HB5025
HB5368
HB5326
HB5539
HB5146
SB328
HB5534
HB5555
SB157
SB232
SB339
SB340
SB41
SB98
SB116
SB196
SB97
SB188
SB234
SB237
SB299
SB347
SB371
SB391
SB345
SB383
SB384
SB29
SB354
HB5320
SB254

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SPEAKER DONOVAN:

Have all the members voted? Have all the members voted?

Please check the roll call board to make sure your vote has been properly cast.

If all the members have voted the machine will be locked. The Clerk will please take a tally.

The Clerk please announce the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	150
Necessary for Adoption	76
Those Voting Yea	150
Those Voting Nay	0
Those Absent and Not Voting	1

SPEAKER DONOVAN:

The consent calendar passes.

Will the Clerk please call Calendar 443.

THE CLERK:

On page 20, Calendar 443, Senate Bill Number 60, AN ACT PROHIBITING PRICE GOUGING DURING SEVERE WEATHER EVENTS, favorable report by the Committee on the Judiciary.

SPEAKER DONOVAN:

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**CONNECTICUT
GENERAL ASSEMBLY
SENATE**

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SENATE

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So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And Substitute House Bill 5539, move to place the item on
the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

Substitute House Bill Number 5320, move to place the item
on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

An additional item from Senate Agenda Number 1, bottom of
the first page of that agenda, Substitute House Bill 5462,
move to place the item on the consent calendar.

THE CHAIR:

So ordered, sir.

SENATOR LOONEY:

Thank you, Madam President.

And also, checking another item to see whether -- I'm not
sure whether it had been previously marked from this copy.
On the second page of -- of Calendar -- of Senate Agenda
Number 1, Substitute House Bill 5394, the last item on that
second page.

That's already on.

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SENATOR LOONEY:

Yes.

THE CHAIR:

The Calendar Number 444 --

SENATOR LOONEY:

Yes.

THE CHAIR:

-- House Bill 5037 has just been added.

Senator Looney.

SENATOR LOONEY:

That's right, Madam President.

And -- and also, Madam President, calendar page -- excuse me, it's -- rather I don't have the calendar page but it's Substitute -- it is Calendar 507, Substitute for House Bill 5467, Madam President, move to place that item on the consent calendar.

THE CHAIR:

Got it. Thank you, sir.

SENATOR LOONEY:

Now, Madam President, if the Clerk would now proceed to call the consent calendar.

THE CHAIR:

Mr. Clerk, you may call the consent calendar now.

THE CLERK:

House Bill 5358; House Bill 5148; House Bill 5394; House Bill 5326; House Bill 5025; House Bill 5534; House Bill 5539; House Bill 5320; House Bill 5462; House Bill 5394; House Bill 5511.

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(HB 5283)

On page 3, Calendar 240, House Bill 3283; page 3, Calendar 299, House Bill 5437; page 5, Calendar 349, Senate Bill 374; page 6, Calendar 375, House Bill 5440; page 6, 362, House Bill 5011.

On page 7, Calendar 376, House Bill 5279; on page 7, 387, House Bill 5290; on page 8, 394, House Bill 5032; on page 8, 396, House Bill 5230.

Also on page 8, Calendar 398, House Bill 5241; on page 8, Calendar 393, House Bill 5307; on page 9, Calendar 403, House Bill 5087; on page 9, Calendar 406, House Bill 5276; on page 9, 407, House Bill 5484; on page 11, Calendar 424, House Bill 5495; on page 12, Calendar 435, House Bill 5232; on page 13, Calendar 5 -- excuse me Calendar 450, House Bill 5447; on page 14, Calendar 455, House Bill 3 -- I'm sorry -- House Bill 5353.

On page 14, Calendar 453, House Bill 5543; on page 14, Calendar 459, House Bill 5271; on page 15, Calendar 464, House Bill 5344; on page 15, Calendar 465, House Bill 5034; on page 16, Calendar 469, House Bill 5038; on page 17, Calendar 475, House Bill 5550; on page 17, Calendar 474, House Bill 5233; on page 17, Calendar 477, House Bill 5421.

Page 18, 480, House Bill 5258; on page 18, Calendar 479, House Bill 5500; page 18, Calendar 482, House Bill 5106; on page 18, Calendar 483, House Bill 5355; on page 19, Calendar 489, House Bill 5248; on page 19, Calendar 488, House Bill 5321; on page 20, Calendar 496, House Bill 5412.

On page 21, Calendar 504, House Bill 5319; page 21, Calendar 505, House Bill 5328; on page 22, Calendar 508, House Bill 5365; on page 22, Calendar 510, House Bill 5170; on page 23, Calendar 514, House Bill 5540; on page 23, Calendar 517, House Bill 5521.

Page 24, Calendar 521, House Bill 5343; page 24, Calendar 518, House Bill 5298; page 24, Calendar 523, House Bill 5504; page 29, Calendar 355, Senate Bill 418; on page 13, Calendar 444, 5037; and Calendar 507, House Bill 5467.

THE CHAIR:

Senator -- Senator Suzio.

SENATOR SUZIO:



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CLERK OF THE SENATE

Bills placed on the Consent Calendar on May 9, 2012

5358
5148
5394
5326
5025
5534
5539
5320
5462
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5437
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- 5233
- 5550
- 5258
- 5106
- 5355
- 5521
- 5248
- 5412
- 5319
- 5328
- 5365
- 5170
- 55440
- 5521
- 5298
- 5343
- 5504
- 418
- 5037
- 5467
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- 5496
- 5360



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Bills from Senate Agenda Number 3 from the May 9th Senate Session that were placed on the Consent Calendar

HB5304
HB 5342

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Good evening, Madam President.

I just want to clarify. I thought I heard the Clerk call House Bill 5034? Is that on the consent calendar?

THE CHAIR:

Do you know what page that is, sir?

SENATOR SUZIO:

No I -- he was reading so fast, Madam, I couldn't get it.

THE CHAIR:

It's -- yes it's 53 -- I don't know.

SENATOR SUZIO:

5034.

THE CHAIR:

5034, yes sir.

SENATOR SUZIO:

I object to that being put on the consent calendar, Madam President.

THE CHAIR:

Okay, that will be removed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Yes, just seeing that -- ask to remove that item from the consent calendar.

THE CHAIR:

So ordered.

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At this time we'll call a roll call vote on the consent calendar.

Mr. Clerk.

THE CLERK:

Immediate roll call has been ordered in the Senate.
Senators please return to the Chamber. Immediate roll call has been ordered in the Senate.

THE CHAIR:

Senator Coleman, we need your vote, sir.

Senator Kissel, Senator Kissel. Senator Kissel, will you vote on the consent calendar please?

All members have voted?

If all members have voted, the machine will be closed.

Mr. Clerk, will you call the amendment -- I meant the tally.

THE CLERK:

On today's consent calendar.

Total Number Voting	36
Necessary for Adoption	19
Those Voting Yea	36
Those Voting Nay	0
Those Absent and Not Voting	0

THE CHAIR:

The consent calendar has passed.

Senator Looney.

SENATOR LOONEY:

Thank you, Madam President.

Madam President, I believe the Clerk is in possession of Senate Agenda Number 6 for today's session.

**JOINT
STANDING
COMMITTEE
HEARINGS**

**PLANNING AND
DEVELOPMENT
PART 4
1024 - 1366**

2012

I just have a question. So would this work similar to how a farmland -- farmland assessment works whereas you pay a reduced tax rate for a certain number of years?

TODD LEVINE: I believe so. The way I read it, it looks like that that is indeed the case. The municipality will determine what -- what percentage of a break you'll get and -- and, within that ten year period, you will get that break. And -- and of course if you are going to break your easement there will be a penalty. So if you sell the land and someone -- to a developer and they want to knock it down, there will be a penalty.

REP. O'BRIEN: Thank you.

TODD LEVINE: You're welcome.

SENATOR CASSANO: Thank you very much. Appreciate your testimony.

TODD LEVINE: You're very welcome. Have a good day.

SENATOR CASSANO: Ron Thomas.

RON THOMAS: Good afternoon, Senator Cassano --

SENATOR CASSANO: Good afternoon.

RON THOMAS: -- Representative Gentile, members of the Planning and Development Committee. Of course I'm Ron Thomas, director of public policy and advocacy for CCM. I'm happy to be here to talk with you about a bill that's

HB5538

SB440 HB5539

SB407

before you and perhaps use a couple of minutes of my time, my three minutes, to talk about a couple of other bills before you.

I'd like to talk with you first about 5538, property exemptions for solar installations. You know of course CCM appreciates the intent behind this. We think the issue is one that deserves closer examination. We would just remind you that this is adding yet another list of things -- items to the list of property tax exemptions. We've attached the 77 items that are currently there. Each year there's -- there are proposals to add to this. Many of them -- most of them have great merit. Again these are going to have an impact on the bottom line of towns and cities and -- and when you add them up you're talking about a big, big chunk of municipal revenue that's taken off the -- the tax rules because of the generosity of the state.

I'd like to use the rest of my time to talk about a couple of bills that you've heard about. One is -- one bill that you've heard about is -- which is 440 concerning amounts in the Clean Water Fund to be used for phosphorous removal. Again I don't want to reiterate what you've heard many times from the municipal officials but we support the bill again but we think the -- the major issue is kind of some of the dealings that are going on with the DEEP. We are concerned about -- we're not sure how DEEP is interpreting the Clean -- what EPA is urging states to do with regard to the Clean Water Fund, their approach to dealing with the federal proclamation or requirement, and we think that there needs to

be a closer examination of how they're doing testing, undertaking testing.

As was said by the Mayor of Danbury there's -- it's a colossal mandate on towns and cities. You have our written testimony on it and it's been discussed a lot.

I'd like to just quickly talk about 5539 regarding -- recording fees. We think this is a good companion piece to Senate Bill 407. Of course you know that would require the assignment of mortgages to be recorded in municipal land records no less than 30 day -- 60 days after the assignment is made.

So those are my comments and won't take up any more of your time. Thank you.

SENATOR CASSANO: I'm sorry one quick question on 5538, the solar installations.

RON THOMAS: Yes.

SENATOR CASSANO: Where is the loss for the municipalities in this?

RON THOMAS: I think the -- well I think the -- the thing is that we're talking about just an addition to some -- I -- I would say that the -- the -- the concern is that things are added every year to the list of items that are on this property tax exemption list. I -- I -- again I -- I think I would have to further examine the -- you know in terms of how municipalities deal with the issue that Senator Roarback and you discussed earlier that sort of thing, but I could discuss that

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ch/gdm/gbr

PLANNING AND DEVELOPMENT
COMMITTEE

9:30 A.M.

we'll give you the incentives on one side but
we're going to tax you on the other.

REP. REED: Thanks for your testimony.

MICHAEL TRAHAN: You're welcome.

REP. REED: Thank you, Mr. Chairman.

SENATOR CASSANO: Other questions?

Thank you very much.

MICHAEL TRAHAN: Yes sir.

SENATOR CASSANO: Antoinette.

ANTOINETTE C. SPINELLI: Good afternoon.

SENATOR CASSANO: Welcome.

ANTOINETTE C. SPINELLI: Senator Cassano,
Representative Gentile and members of the
Planning and Development Committee, my name is
Antoinette Spinelli. I am here testifying on
behalf of the Connecticut Town Clerks
Association. I am the chair of the
Legislative Committee and the Town Clerk of
Waterbury.

HB 5539

We wish to thank the Planning and Development
Committee for raising this bill which provides
technical changes relating to the recording of
assignments as well as clarifying fees for
land records. We respectfully propose an
amendment to seven -- State Statute 7-34a to
further clarify that every document recorded
in the land records be between same parties or

relating to a single property.

This language is particularly important when referring to assignments of mortgage. Although this bill eliminates the outdated marginal notation requirement, it does not clarify that all documents are required to be between the same parties or related to a single property.

Exhibit A which I have attached to my testimony shows one recording of an assignment that had 24 unrelated assignments of mortgage. The description field in our land record index is not capable of accepting the 24 different volumes and pages because it is one document. So a document such as this would make it more difficult to follow the chain of title and it is our primary goal to make sure that all documents recorded on the land records can be easily searched. Documents such as the one I gave you the example of cloud the land records and create a loss of revenue for both the state and the municipality.

Also to be consistent we are proposing amending State Statute 7-23 to reflect the same technical change to clarify fees. The proposed amendments I've attached to 7-34a and 7-23.

Again I --I wish to thank you for raising this bill and giving me the opportunity to testify and if you have any questions I'd be happy to answer.

SENATOR CASSANO: Questions? Representative
O'Brien.

REP. O'BRIEN: Thank you, Senator Cassano.

So even though this title is an act concerning recording fees, it's really not about the fees from what I'm hearing you say.

ANTOINETTE C. SPINELLI: Correct.

REP. O'BRIEN: Do - do you want to --

ANTOINETTE C. SPINELLI: We really -- we -- we are not increasing fees. We are really not changing the fee. We are taking out the language for assignments where -- when the town clerks were required to manually go and pull a book where the original mortgage was and you manually hand-wrote the -- the referenced assignment. We no longer do that because we're all required to have computers.

The problem comes in if you get a document where they're all unrelated assignments. You're -- it's one document so your computer only has very limited space so a title searcher would have to actually pull the document, read through it and find the original referenced mortgage for the particular person that they are title searching for.

So as in other documents on the land records we're just trying to clarify that when you record a document it should have -- it should be related. It should be easily searched and we wanted to clean up the language in the statute regarding assignments.

So we're really not changing or increasing any fees at all. We're clarifying the fee.

REP. O'BRIEN: So in this bill where it says to increase for additional assignments to -- well I lost it now -- \$10 that's really not what --

ANTOINETTE C. SPINELLI: That wasn't what we proposed the way we did give you what our proposal was.

REP. O'BRIEN: I don't believe, and correct me if I'm wrong, I don't believe there's any other type of document on the land records that allows such a volume of information to come in in one document. By that I mean mortgages they don't come in for groups of people.

ANTOINETTE C. SPINELLI: Exactly.

REP. O'BRIEN: The assignments are the only ones that banks could send a list of completely unrelated documents in, am I correct?

ANTOINETTE C. SPINELLI: Yeah. When you see them it's typically -- it is an assignment. It's like a blanket. They've assigned all of these mortgages for all of these different people. They've assigned them to a particular institution. You would not see that on a -- on a land recording of a mortgage we'll say. You won't see ten or twenty different unrelated people signing off on one mortgage document.

If you did, it would be a -- very, very difficult to search. So what we're doing is we're trying to clean that up, clear that up.

We no longer do manual marginal notations and that's -- that was really our main goal.

REP. O'BRIEN: So by limiting an assignment to people -- to one type of document, you know, referring to a mortgage, only the people in those mortgage, it's really limiting the number of things that you can -- can fit in the document, correct?

ANTOINETTE C. SPINELLI: Correct and it -- and it's the same requirement that we would apply to a deed or a mortgage or anything else. It's -- it's really the same.

REP. O'BRIEN: Thank you.

SENATOR CASSANO: Representative Gentile.

REP. GENTILE: Thank you.

Antoinette, just a quick question for you. You mentioned that this is not about increasing fees.

ANTOINETTE C. SPINELLI: Correct.

REP. GENTILE: But I'm just curious when was the last time that the fees that you charge were addressed?

ANTOINETTE C. SPINELLI: The fees that we charge for the land records I'm -- I'm not sure that -- the year that they increased. Remember they went from -- they from \$13 to \$53 but most of that is -- we have the preservation farm fund that gets, you know, \$36 and certain funds that the State of Connecticut gets so we

have not increased land record fees in quite some time. It's been a few years since that happened.

SENATOR CASSANO: Representative Aman.

REP. AMAN: Just -- just so I -- I understand it, the bank today sends in a list of 25 mortgages that they have in your town and they're being all assigned to another institution. They're sending it as one --

ANTOINETTE C. SPINELLI: Document.

REP. AMAN: -- document.

ANTOINETTE C. SPINELLI: Yes.

REP. AMAN: And they're paying one \$53 fee for filing that document. And what you're looking for is for them to send in 25 documents at \$53 (inaudible).

ANTOINETTE C. SPINELLI: If they are unrelated, yes.

REP. AMAN: Well they'd be on 50 -- on 25 different properties.

ANTOINETTE C. SPINELLI: If the people are -- yeah if they're totally --

REP. AMAN: I mean as far as the bank is concerned it's a package.

ANTOINETTE C. SPINELLI: Right, as far as the bank is concerned it -- it's a package and at one time, which the language now says you -- you

can charge a dollar after the first two and it also requires -- the statute now requires us to do a marginal notation. So we, at one time, in the City of Waterbury I used to have to send a staff person in the back with the whole list of -- of assignments that came in the day before and they -- they maybe weren't in blanket assignments, they could have been on a single page also, you would have to go into the vault, find the original mortgage, pull the book off the shelf and manually write the date of the assignment and the volume and page that you can find that assignment.

We no longer do that because we have a computer and the computer system has a description column. So when you put -- when you're doing a title search, you're going to look in the -- in the description column and you're going to see where the original mortgage is for that particular assignment.

If you get a blanket one such as this, you're going to probably see in the description column see instrument because we are not -- we're not -- the -- the description column won't take all of those volume and pages and all of those descriptions of property. And it really is just assignments that we see, from time to time, and I'm not saying it's -- it's very common that this happens because it's not. Most banking institutions -- most financial institutions do not submit these big blanket assignments. So our goal was to clean up the language in -- that referred to marginal notations and take out the \$1 after the first two and have assignments be treated the same way as all other land recordings are

treated.

REP. AMAN: Okay so -- but it would mean that the bank would paying the \$53 for each -- or from what you said is it 53 for the first one and then \$2 for each of the other ones or would it be 53 --

ANTOINETTE C. SPINELLI: It's a dollar after the first two.

REP. AMAN: But it's 53 for the first page and then it would be a dollar for each of the other 24 pages or would it be \$53 for each of the other 24 pages in my imaginary thing that they sent you 25?

ANTOINETTE C. SPINELLI: Well it -- yeah typically an assignment's one page so it's a -- it's a one page document -- \$53 document. This particular example that I used that had the 24 different ones, we -- we would charge \$90 because it's a four page document and plus after the first two you charge a dollar.

REP. AMAN: Okay.

ANTOINETTE C. SPINELLI: Okay, so -- so we charged \$90 for this as opposed to what would have been charged if they came in individually.

REP. AMAN: If they came in individually roughly \$1,200 or something in -- in fees.

ANTOINETTE C. SPINELLI: Yes, \$1,200, correct.

REP. AMAN: What happens with your -- we had discussion the other day about the

assignments. If the bank assigns it, sends you the documents that they assigned it to, I'm blocking on the -- the name, and then from there it's transferred a half a dozen times, the same property is, mortgages are traded in blocks from one person to the other, would -- are from the MERS system.

ANTOINETTE C. SPINELLI: From the MERS.

REP. AMAN: Okay it shows it being transferred to the MERS system, that would be one transfer. Now when it's within the MERS system and it's being transferred from one institution to the other as just a group of mortgages --

ANTOINETTE C. SPINELLI: Um-hum.

REP. AMAN: -- we were getting input that says that each one of those transfers would have to be recorded separately.

ANTOINETTE C. SPINELLI: Um-hum.

REP. AMAN: Has that been a problem for you or --?

ANTOINETTE C. SPINELLI: No. In -- in -- I've been, you know, listening to the -- the news as well and I know they're -- they're talking about this in all different states with MERS and there's two sides to the argument that MERS is actually there for that purpose to -- to be the -- the holder and -- and they would be assigning these mortgages. And it is my understanding that once -- that MERS has told their members that before they can start a foreclosure proceeding, they would have to -- that their member would have to file the

assignment on the land records.

And it is my understanding that as long as that is done at that time, that it's -- it's acceptable and then the foreclosure proceedings can start. So I -- I'm not really sure what the states are going to do as far as what they're going to come up with for MERS. This is actually a completely different issue. This is more of a reporting issue.

REP. AMAN: I -- I just (inaudible).

ANTOINETTE C. SPINELLI: But I know it -- it

REP. AMAN: I -- I have some --

ANTOINETTE C. SPINELLI: -- it's funny that we're all talking about MERS and assignments and -- and -- and it's a difficult situation right now because it's up in the air.

REP. AMAN: The reason I'm asking you is because you're not a member of MERS or the bank.

ANTOINETTE C. SPINELLI: No I'm not.

REP. AMAN: You're the one -- you're the one that's actually dealing with it on a day--to-day basis --

ANTOINETTE C. SPINELLI: Yeah.

REP. AMAN: -- as we're trying to -- to figure what, if anything, to do and -- and that's why I asked you if you've seen in your office the MERS system causing you or the people coming in problems.

ANTOINETTE C. SPINELLI: No, no I have not seen firsthand problems from MERS. I have not -- I have seen a decrease overall in land records but I can't say that there has been, in Waterbury, a specific decrease of just assignments. I have not seen that in Waterbury.

REP. AMAN: If something has been in the MERS system and, you know, been transferred any number of times, you would be unaware of those transfers and someone comes in and they -- they want a mortgage release. Have you had any prob -- okay well they want to pay off their mortgage so they're not being foreclosed, has getting the mortgage release been a -- a problem or how is that chain put on the release? Does it list all of the separate transfers or is it just from the original bank?

ANTOINETTE C. SPINELLI: We typically see a release that will be MERS and usually their nominee for somebody else. Sometimes -- sometimes you'll get an assignment in before the release. I've seen that happen. They'll record two documents. They'll record an assignment first to kind of clarify, clean up the title, they'll record an assignment first and then they'll record the release.

Okay so it makes it easier if somebody is searching title that they see that it was assigned to another bank and now this other bank is releasing the mortgage.

REP. AMAN: Okay and again you haven't seen the

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title searchers --

ANTOINETTE C. SPINELLI: They're not complaining.

REP. AMAN: being very hysterical --

ANTOINETTE C. SPINELLI: I -- I have asked.

REP. AMAN: -- about what's going on.

ANTOINETTE C. SPINELLI: No I have -- I have asked them. In my office, my particular office, I've asked some of the title searchers that are there daily in my office and they -- they do not see a -- a problem. There would be more of a problem with something like this because it just makes it a little bit more time-consuming for somebody searching title to have to go through a -- a document that lists -- I mean how -- how far are we going to let them list unrelated properties in a document. It could go on and on and on.

You know you would have to read through the document to find out where the original -- you know which original mortgage is being assigned. So it's -- it's problematic for a title searcher and I think it -- it just -- the same rules should apply to assignments as any other document that's being recorded.

REP. AMAN: Is that -- going back to the original bill that we were talking about, very often a mortgage is given -- given on two adjoining properties because in the -- in the land records are listed as two properties but the house may even straddle the property line. How, with what you're talking about, would

something like that be taken care of? Would that still be one release or two releases?

ANTOINETTE C. SPINELLI: Yeah that could -- that could still be one. You know if you're saying that you purchased a property, it -- it may be two properties or three and you had -- you had this, you know, one mortgage and one rel -- that's fine. You know that's easy enough to -- to search and the description column would be able to accept those two or three references to different properties that we could make in the description column to help people when they're searching to help them to locate wh -- what they're looking at. It -- it helps them along, that description column.

And you can certainly put in, you know, two, three, you know, maybe four different properties in your description column.

REP. AMAN: Would it now clarify things if when we wrote the final thing coming out of Committee that we limited it to like three properties on a rel -- release form to cover that sort of circumstance?

ANTOINETTE C. SPINELLI: Um that -- that would help. I think -- I think as long as they're related I think, you know, I think if it's the same, you know, grantor or same grantee and his buying up a little, you know, block of four or five different parcels or something, that's fine to be on one document, I would say. You know and -- and I think, in our opinion, you know, that -- that would be easy enough for someone to find, to locate, to search and -- and that -- that truly is the

goal.

REP. AMAN: Switching something to a completely different -- again since I have you up there testifying, were you here for the discussion on the vaults?

ANTOINETTE C. SPINELLI: Yes.

REP. AMAN: Yes. Do you -- as -- as a town clerk, do you have any thing that you can add to the discussion that -- again when we're trying to draft a bill, that will avoid unintended consequences of you sitting there next year or two years from now and saying do you know what you did to us?

ANTOINETTE C. SPINELLI: Right, right, well we certainly don't want to impose any other additional mandates. I know that the Public Records Administrator is -- is diligently working on coming up with regulations now that, you know, for our electronic media and storage requirements and right now we are still under the -- the current requirements. We just went -- underwent a whole renovation in the City of Waterbury and we went by the Public Records Administrator and their guidelines for go -- for vaults but they are paper records and our -- our other records are stored on microfilm offsite.

And from what I understand the Public Records Administrator they are working on other regulation for storage media and electronic. And I would -- I would -- I would just add that I -- I think that it -- it's always best to trust the people that are the experts in

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the field and to -- protection of our historic records is very important and they move a little bit cautiously when making changes, so --

REP. AMAN: Okay. I thank you very much for coming forward and your testimony was actually fairly easy to follow.

ANTOINETTE C. SPINELLI: Thank you.

REP. GENTILE: Thank you.

Any further questions? Representative Smith.

REP. SMITH: Thank you, Madam Chair.

And good afternoon, good afternoon.

ANTOINETTE C. SPINELLI: Good afternoon.

REP. SMITH: Actually I was in -- was in the Town Clerk's office in Waterbury this week and I hadn't been there in quite some time and I must say to you how impressed I was at not only the renovations but just the overall facility restoring that -- that building I was like astonished.

ANTOINETTE C. SPINELLI: Isn't it beautiful?

REP. SMITH: It really is and I congratulate you and --

ANTOINETTE C. SPINELLI: Thank you.

REP. SMITH: -- whoever else was behind it.

ANTOINETTE C. SPINELLI: Thank you.

REP. SMITH: They did a fabulous job.

ANTOINETTE C. SPINELLI: Thank you.

REP. SMITH: And I also found the help at the Town Clerk's office to be very accommodating so I want to compliment you there as well.

ANTOINETTE C. SPINELLI: Thank you very much.

REP. SMITH: I'm going to refer to your Exhibit H that has the laundry list of assignments.

ANTOINETTE C. SPINELLI: Yes.

REP. SMITH: And honestly I've never -- you know I do a lot of real estate work. I've never seen anything like this so it's -- was kind of surprising when -- I was --

ANTOINETTE C. SPINELLI: Welcome to my world.

REP. SMITH: Yeah. I was listening to you testify and I'm like what is she -- what are you talking about and then you're actually showing me. Is this something you actually received?

ANTOINETTE C. SPINELLI: Yes this is a -- this is an actual recording that was submitted to our office.

REP. SMITH: So I could see why you would be concerned with this because even looking at it it's hard to follow which name goes with which property.

ANTOINETTE C. SPINELLI: Correct.

REP. SMITH: So I think it would be prudent for this Committee, at least, to try to address this type of situation to either limit to the number of persons and properties that can be put on an assignment or any document. As Representative Aman said it's not just assignments. You know there's a lot of times when people borrow money for a commercial transaction and the commercial lender wants to secure every possible property that the borrower owns and they may own two or three other properties in -- in the town or other towns and they securitize everything.

So we can see where, you know, that would be an issue and how much space you have actually in the computer document to identify this.

ANTOINETTE C. SPINELLI: Correct.

REP. SMITH: Cause -- because when you were first talking I said well why can't you just, as a town clerk, do like you did in the old fashion way just enter each name with each property like you do for any assignment. But then looking at this document and seeing there's, you know, potentially 20 names on here --

ANTOINETTE C. SPINELLI: Yes.

REP. SMITH: -- and the amount of time that would take to actually enter all that data.

ANTOINETTE C. SPINELLI: Yeah we -- we would -- we would enter all 24 names. That -- that isn't really the issue. The computer will let you

grantor as many names -- grantor/grantee as many names as possible. But the fact that it's one document, your -- your description isn't going to allow you to put all of those other -- the detail that you would need, you know, to search.

REP. SMITH: Right and from a title searcher's standpoint that becomes than a nightmare so you would have to refer him back to the instrument.

ANTOINETTE C. SPINELLI: You'd have to go right back to the instrument, yes.

REP. SMITH: I guess my question to you is, just following up on what Representative Aman said, if this Committee were to limit how much a grantor could put on an assignment or any type of document for unrelated parties, would that be helpful to you if we limited it to three, four or whatever -- whatever -- I think what we want to do, and what we should be doing, is accommodating what the computer can handle.

ANTOINETTE C. SPINELLI: Um-hum.

REP. SMITH: So if -- if you as a town clerk were to tell us well we can handle four without a problem, then maybe four should be the number. If you're telling us well we can only do three, maybe three should be the number. So I'd like to hear from you on that.

ANTOINETTE C. SPINELLI: If you're asking if the computer -- the description would probably take three to four descriptions on -- on one document, again I think I -- I would prefer,

and I think the title searchers would prefer that they -- that the references all be either for the same grantor or grantee or the same, you know, interest in the property.

But as far as a capability in our description, I would say probably we can take up to four maybe.

REP. SMITH: And I would agree with you. I think it should be the same grantor and grantee because you really -- I mean from a title searching standpoint, having all these various names and different properties on one document and trying to --

ANTOINETTE C. SPINELLI: Right.

REP. SMITH: -- determine what goes with which, unless it's clearly identified, it could become a -- a land mine for a title searcher.

ANTOINETTE C. SPINELLI: Yeah.

REP. SMITH: So thank you for your answers.

ANTOINETTE C. SPINELLI: Thank you.

REP. GENTILE: Thank you.

Any further comments?

Okay, thank you, Antoinette.

ANTOINETTE C. SPINELLI: Thank you.

REP. GENTILE: Is there anyone else that wishes to address the Committee?

Connecticut Town Clerks Association, Inc.

Committee Members

Antoinette Chuck Spinelli –
Waterbury, CH
Essie Labrot, West Hartford,
V. CH
Jeff Barske, Thompson
George Buckbee, New Milford
Debra H. Denette, East Haddam
Michele Grande, Redding
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Kim Garvis, TechnologyComm CH
Lobbyist: Michael Dugan

2012 Legislative Committee

Testimony Planning & Development Committee March 21, 2012

HB5539 – An Act Concerning Recording Fees

Good morning distinguished members of the Planning & Development Committee. My name is Antoinette C. Spinelli and I am testifying on behalf of the Connecticut Town Clerk's Association. I am the Chair of the CTCA Legislative Committee and the Town Clerk of Waterbury.

We wish to thank the Planning & Development Committee for raising this bill which provides technical changes relating to the recording of assignments as well as clarifying fees for land records. We respectfully propose an amendment to §7-34a to further clarify that every document recorded on the land records be "between the same parties or relating to a single property". This language is particularly important when referring to assignments of mortgage. Although this bill eliminates the outdated marginal notation requirement, it does not clarify that all documents are required to be between the same parties or related to a single property. Exhibit A (attached) shows one recording of an assignment that had 24 unrelated assignments of mortgage. The description field in the land record index is incapable of accepting the 24 volumes and pages referenced in this document. A document such as this makes it more difficult to follow the chain of title. It is our primary goal to make sure that all documents recorded on the land records can be easily searched. Documents such as these only cloud the land records and create a loss of revenue for both the state and the municipality.

To be consistent, we propose amending §7-23 to reflect the same technical change to clarify fees. The proposed amendments to §7-34a and §7-23 are also attached.

Again, I wish to thank you for raising this bill and for the opportunity to testify. I would be happy to answer any questions you may have at this time.

Respectfully submitted,
Antoinette C. Spinelli, Waterbury Town Clerk
Chair, CTCA Legislative Committee

CT Town Clerks Association
March 21, 2012

Amendment to:

HB 5539, An Act Concerning Recording Fees.

Strike everything after the enacting clause and replace with the following:

~~Section 1-Subsection (a) of section 7-34a of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2012):~~

(a) Town clerks shall receive, for recording any document between the same parties or relating to a single property, ten dollars for the first page and five dollars for each subsequent page or fractional part thereof, a page being not more than eight and one-half by fourteen inches. Town clerks shall receive, for recording the information contained in a certificate of registration for the practice of any of the healing arts, five dollars. Town clerks shall receive, for recording documents conforming to, or substantially similar to, section 47-36c, which are clearly entitled "statutory form" in the heading of such documents, as follows: For the first page of a warranty deed, a quitclaim deed, a mortgage deed, or an assignment of mortgage between the same parties or relating to a single property, ten dollars; for each additional page of such documents, five dollars; ~~and for each marginal notation of an assignment of mortgage, subsequent to the first two assignments, one dollar.~~ Town clerks shall receive, for recording any document with respect to which certain data must be submitted by each town clerk to the Secretary of the Office of Policy and Management in accordance with section 10-261b, two dollars in addition to the regular recording fee. Any person who offers any written document for recording in the office of any town clerk, which document fails to have legibly typed, printed or stamped directly beneath the signatures the names of the persons who executed such document, the names of any witnesses thereto and the name of the officer before whom the same was acknowledged, shall pay one dollar in addition to the regular recording fee. Town clerks shall receive, for recording any deed, except a mortgage deed, conveying title to real estate, which deed does not contain the current mailing address of the grantee, five dollars in addition to the regular recording fee. Town clerks shall receive, for filing any document, five dollars; for receiving and keeping a survey or map, legally filed in the town clerk's office, five dollars; and for indexing such survey or map, in accordance with section 7-32, five dollars, except with respect to indexing any such survey or map pertaining to a subdivision of land as defined in section 8-18, in which event town clerks shall receive fifteen dollars for each such indexing. Town clerks shall receive, for a copy of any document requested in any format, either recorded or filed in their offices, one dollar for each page or fractional part thereof, as the case may be; for certifying any copy of the same, two dollars; for making a copy of any survey or map, the actual cost thereof; and for certifying such copy of a survey or map, two dollars. Town clerks shall receive, for recording the commission and oath of a notary public, ten dollars; and for certifying under seal to the official character of a notary, two dollars.

Section 2. Section 7-23 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2012*):

Town clerks shall keep the records of their respective towns and truly enter therein, either by transcribing or by photographic, micrographic, electronic imaging or any other process approved by the Public Records Administrator, all votes of the town and give true copies of the same and of all deeds and other instruments by them recorded. Fees for copies in any format shall be subject to the same fees as prescribed for copies in paper format and all attested copies of deeds, with a certificate of the town clerk or assistant town clerk that they have been recorded, shall be conclusive evidence of that fact. No copy of record certified by the town clerk or assistant town clerk of any town shall be deemed valid in law unless the seal of such town is affixed thereto; and the town clerk of each town or his legally qualified assistant shall affix the seal of such town to all certified copies of record, and no fee shall be allowed for affixing the same.

Exhibit A

ASSIGNMENT OF MORTGAGE

Mortgage Markets CUSO, LLC A Connecticut corporation with its principal place of business at 616 Burnside Avenue, East Hartford, CT 06108, holder of a mortgage from:

Mortgagor(s)

Linda Bisailon
 Mary Goldberg
 Eileen Coughlin
 Thomas Morkys
 Jenifer Pella
 Kenneth Kerski
 Martin Misset
 Catherine Gannon

Tan Murphy
 Janice Finke
 Joseph Jakubczyk
 George McDuff
 Karen Fiere
 Melissa Gugliotti
 Rosemary Monaghan
 John Fontaine
 Kristen Tullgren
 Mark Saukas
 Richard Mosman
 Cynthia Adamski
 Luis Rodriguez
 Denise Feliciano
 Crystal Petteway
 Charles Henson

To Mortgage Markets CUSO, LLC.

- Date 10/5/2004 and recorded with the 12 Revere Street Registry of Deeds at Book 5133, Page 341, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/30/2005 and recorded with the 95 Westridge Drive Registry of Deeds at Book 5308, Page 258, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 4/11/2005 and recorded with the 81 Revere Street Registry of Deeds at Book 5321, Page 160, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 7/11/2005 and recorded with the 1159 Highland Avenue #27A Registry of Deeds at Book 5425, Page 181, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 8/22/2005 and recorded with the 925 Oronoke Road Unit 22C Registry of Deeds at Book 5474, Page 182, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 10/19/2005 and recorded with the 68 Edson Avenue Registry of Deeds at Book 5544, Page 1, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/24/2006 and recorded with the 46 Alberta Street Registry of Deeds at Book 5710, Page 83, for consideration paid, assign said mortgage and the note and claim secured thereby to

- Date 2/7/2007 and recorded with the 84 Laval Street Registry of Deeds at Book 6039, Page 86, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 8/6/2007 and recorded with the 15 Sunnybrook Bend Registry of Deeds at Book 6193, Page 212, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 1/3/2008 and recorded with the 138 Boyden Street Registry of Deeds at Book 6292, Page 17, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/24/2008 and recorded with the 62 Edin Avenue Registry of Deeds at Book 6334, Page 55, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 4/28/2008 and recorded with the 49 Robincrest Drive Registry of Deeds at Book 6355, Page 98, for consideration paid, assign said mortgage and the note and claim secured thereby to
-
- Date 2/5/2009 and recorded with the 150 Stonefield Drive Unit 3 Registry of Deeds at Book 6485, Page 137, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/3/2009 and recorded with the 239 Newridge Avenue Registry of Deeds at Book 6496, Page 13, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/12/2009 and recorded with the 16 Rockhurst Drive Registry of Deeds at Book 6499, Page 318, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/30/2009 and recorded with the 585 Park Road Unit 11-11 Registry of Deeds at Book 6506, Page 260, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 4/14/2009 and recorded with the 925 Oronoke Road Unit 18B Registry of Deeds at Book 6513, Page 267, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 4/21/2009 and recorded with the 46 Kenmore Avenue Registry of Deeds at Book 6516, Page 108, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 4/29/2009 and recorded with the 3227 East Main Street Unit 28 Registry of Deeds at Book 6519, Page 208, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 6/1/2009 and recorded with the 925 Oronoke Road Unit 24H Registry of Deeds at Book 6533, Page 13, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 10/27/2009 and recorded with the 805 Cooke Street Registry of Deeds at Book 6598, Page 108, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 11/10/2009 and recorded with the 45 Alberta Street Registry of Deeds at Book 6605, Page 1, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 11/30/2009 and recorded with the 166 Garden Circle Registry of Deeds at Book 6613, Page 63, for consideration paid, assign said mortgage and the note and claim secured thereby to
- Date 3/24/2010 and recorded with the 317 Anna Avenue Registry of Deeds at Book 6657, Page 294, for consideration paid, assign said mortgage and the note and claim secured thereby to

First New England Federal Credit Union
616 Burnside Avenue
East Hartford, CT 06108

IN WITNESS WHEREOF, the said Mortgage Markets CUSO, LLC. has caused its corporate seal to be hereto affixed and these presents to be signed, in its name and behalf by Victor H. Petroni, this 3/16/11

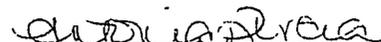
Mortgage Markets CUSO, LLC



Victor H. Petroni

The State of Connecticut
East Hartford, SS

At East Hartford, in said county on 8/16/2011 before me personally appeared Victor H. Petroni, President of Mortgage Markets CUSO, LLC, and affixed his signature to the within and acknowledged it to be the free act and deed of Mortgage Markets CUSO, LLC.



ANTONIA RIVERA
NOTARY PUBLIC
MY COMMISSION EXPIRES 4/30/2015

- RE: 12 Revere Street, Waterbury, CT
- 95 Westridge Drive, Waterbury, CT
- 81 Revere Street, Waterbury, CT
- 1159 Highland Avenue #27A, Waterbury, CT
- 925 Oronoke Road Unit 22C, Waterbury, CT
- 68 Edson Avenue, Waterbury, CT
- 46 Alberta Street, Waterbury, CT
- 84 Laval Street, Waterbury, CT
- 15 Sunnybrook Bend, Waterbury, CT
- 138 Boyden Street, Waterbury, CT
- 62 Edin Avenue, Waterbury, CT
- 49 Robincrest Drive, Waterbury, CT
- 150 Stonefield Drive Unit 3, Waterbury, CT

239 Newridge Avenue, Waterbury, CT

16 Rockhurst Drive, Waterbury, CT

585 Park Road Unit 11-11, Waterbury, CT

925 Oronoke Road Unit 18B, Waterbury, CT

46 Kenmore Avenue, Waterbury, CT

3227 East Main Street Unit 2B, Waterbury, CT

925 Oronoke Road Unit 24H, Waterbury, CT

805 Cooke Street, Waterbury, CT

45 Alberta Street, Waterbury, CT

166 Garden Circle, Waterbury, CT

317 Anna Avenue, Waterbury, CT

Exhibit A

Multiple Assignments
Recorded in Waterbury

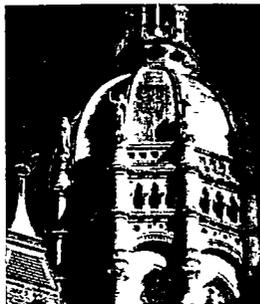
24 Unrelated Assignments on One Document

Recording Fee Charged	State's Portion	City's Portion
\$90 (4 page document/24 names)	\$38	\$52

If Recorded As Separate Documents

Recording Fee	State's Portion	City's Portion
\$1,272 (one page document)	\$912	\$360

Result: Increased Revenue	<u>\$874</u>	<u>\$308</u>
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CCM 2012 Testimony

900 CHAPEL STREET, 9th FLOOR, NEW HAVEN, CT 06510-2807 PHONE (203) 498-3000 FAX (203) 562-6314

PLANNING & DEVELOPMENT COMMITTEE

March 21, 2012

The Connecticut Conference of Municipalities (CCM) is Connecticut's statewide association of towns and cities and the voice of local government - your partners in governing Connecticut. Our members represent over 90% of Connecticut's population. We appreciate the opportunity to testify on bills of interest to towns and cities.

H.B. 5539 "An Act Concerning Recording Fees"

CCM sees this bill as a companion piece to SB 407. SB 407 would require the assignment of mortgages to be recorded in municipal land records no later than sixty days after the assignment is made.

SB 407 would ensure that municipal land records are accurate and current, and can provide residents with important information regarding their mortgage. SB 407 is a priority proposal of CCM.

HB 5539 would increase fees for the recording of multiple assignments between the same parties.

★ ★ ★ ★ ★

If you have any questions, please contact Ron Thomas at rthomas@ccm-ct.org or (203) 498-3000.