



General Assembly

January Session, 2003

Committee Bill No. 5258

LCO No. 2681

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING PETITIONS FOR DISCHARGE OF MORTGAGES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Subsection (a) of section 49-13 of the general statutes is
2 repealed and the following is substituted in lieu thereof (*Effective*
3 *October 1, 2003*):

4 (a) When the record title to real property is encumbered (1) by any
5 undischarged mortgage, and (A) the mortgagor or those owning the
6 mortgagor's interest therein have been in undisturbed possession of
7 the property for at least six years after the expiration of the time
8 limited in the mortgage for the full performance of the conditions
9 thereof, and for six years next preceding the commencement of any
10 action under this section, or (B) [when] the promissory note or other
11 written evidence of the indebtedness secured by the mortgage is
12 payable on demand and seventeen years have passed without any
13 payment on account of such note or other written evidence of
14 indebtedness, or (C) [when] the mortgage does not disclose the time
15 when the note or indebtedness is payable or disclose the time for full
16 performance of the conditions of the mortgage and [seventeen] ten

17 years have passed without any payment on account of the promissory
 18 note or other written evidence of indebtedness, or (D) [when] the note
 19 or evidence of indebtedness has been paid or a bona fide offer and
 20 tender of the payment has been made pursuant to section 49-8, or (E)
 21 [when] the mortgage has become invalid, and in any of such cases no
 22 release of the encumbrance to secure such note or evidence of
 23 indebtedness has been given, or (2) by a foreclosed mortgage and the
 24 mortgagor has made a bona fide offer and tender of payment of the
 25 foreclosure judgment on or before the mortgagor's law day and the
 26 mortgagee has refused to accept payment, or (3) by an attachment, lis
 27 pendens or other lien which has become of no effect, the person
 28 owning the property, or the equity in the property, may bring a
 29 petition to the superior court [within] for the judicial district in which
 30 the property is situated, setting forth the facts and claiming a judgment
 31 as [hereinafter] provided in this section. The plaintiff may also claim in
 32 the petition damages as set forth in section 49-8 [,] if the plaintiff is
 33 aggrieved by the failure of the defendant to execute the release
 34 [therein] prescribed in said section.

This act shall take effect as follows:	
Section 1	October 1, 2003

Statement of Purpose:

To allow a property owner to petition for discharge of a mortgage which does not disclose the time when the note or indebtedness is payable or disclose the time for full performance of the conditions of the mortgage and ten years have passed without any payment on the note or other written evidence of indebtedness.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]

Co-Sponsors: REP. WARD, 86th Dist.