



General Assembly

**Amendment**

January Session, 2003

LCO No. 6008

\*SB0088906008HDO\*

Offered by:

REP. STONE, 9<sup>th</sup> Dist.  
REP. DOYLE, 28<sup>th</sup> Dist.  
REP. ABRAMS, 83<sup>rd</sup> Dist.  
REP. CHRIST, 11<sup>th</sup> Dist.

To: Senate Bill No. 889

File No. 119

Cal. No. 432

**"AN ACT CONCERNING CONSUMER REVOLVING LOANS."**

1 After the last section, add the following and renumber sections and  
2 internal references accordingly:

3 "Sec. 501. Subsections (a) and (b) of section 49-8a of the general  
4 statutes are repealed and the following is substituted in lieu thereof  
5 (*Effective July 1, 2003*):

6 (a) For purposes of this section and section 49-10a:

7 (1) "Mortgage loan" means a loan secured by a mortgage on one,  
8 two, three or four family residential real property located in the state  
9 of Connecticut, including but not limited to, a residential unit in any  
10 common interest community as defined in section 47-202.

11 (2) "Person" means an individual, corporation, limited liability

12 company, business trust, estate, trust, partnership, association, joint  
13 venture, government, governmental subdivision or agency, or other  
14 legal or commercial entity.

15 (3) "Mortgagor" means the grantor of a mortgage.

16 (4) "Mortgagee" means the grantee of a mortgage; provided, if the  
17 mortgage has been assigned of record, "mortgagee" means the last  
18 person to whom the mortgage has been assigned of record; provided  
19 further, if the mortgage has been serviced by a mortgage servicer,  
20 "mortgagee" means the mortgage servicer.

21 (5) "Mortgage servicer" means the last person to whom the  
22 mortgagor has been instructed by the mortgagee to send payments of  
23 the mortgage loan. The person who has transmitted a payoff statement  
24 shall be deemed to be the mortgage servicer with respect to the  
25 mortgage loan described in that payoff statement.

26 (6) "Attorney-at-law" means any person admitted to practice law in  
27 this state and in good standing.

28 (7) "Title insurance company" means any corporation or other  
29 business entity authorized and licensed to transact the business of  
30 insuring titles to interests in real property in this state.

31 (8) "Institutional payor" means any bank or lending institution that,  
32 as part of making a new mortgage loan, pays off the previous  
33 mortgage loan.

34 [(8)] (9) "Payoff statement" means a statement of the amount of the  
35 unpaid balance on a mortgage loan, including principal, interest and  
36 other charges properly assessed pursuant to the loan documentation of  
37 such mortgage and a statement of the interest on a per diem basis with  
38 respect to the unpaid principal balance of the mortgage loan.

39 (b) If a mortgagee fails to execute and deliver a release of mortgage  
40 to the mortgagor or to the mortgagor's designated agent within sixty  
41 days from receipt by the mortgagee of payment of the mortgage loan

42 (1) in accordance with the payoff statement furnished by the  
43 mortgagee, or (2) if no payoff statement was provided pursuant to a  
44 request made under section 49-10a, in accordance with a good faith  
45 estimate by the mortgagor of the amount of the unpaid balance on the  
46 mortgage loan using (A) a statement from the mortgagee indicating  
47 the outstanding balance due as of a date certain, and (B) a reasonable  
48 estimate of the per diem interest and other charges due, any attorney-  
49 at-law or duly authorized officer of either a title insurance company or  
50 an institutional payor may, on behalf of the mortgagor or any  
51 successor in interest to the mortgagor who has acquired title to the  
52 premises described in the mortgage or any portion thereof, execute  
53 and cause to be recorded in the land records of each town where the  
54 mortgage was recorded, an affidavit which complies with the  
55 requirements of this section."