



General Assembly

February Session, 2004

Raised Bill No. 5356

LCO No. 1224

* _____ HB05356JUD__031804_____ *

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING THE CONVEYANCING OF REAL PROPERTY.

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

1 Section 1. (NEW) (*Effective October 1, 2004*) The town clerk of any
2 town shall accept for recording any copy of a deed or other instrument
3 affecting real property located in such town and recorded in the land
4 records of another town, provided such copy is certified by the town
5 clerk of the other town to be a true copy of the original deed or other
6 instrument recorded in such other town. When such copy is so
7 recorded, it shall have the same effect as a record of the original deed
8 or other instrument.

9 Sec. 2. Section 1-34 of the general statutes is amended by adding
10 subdivisions (5) and (6) as follows (*Effective October 1, 2004*):

11 (NEW) (5) By a limited liability company:

12 State of

13 County of

14 On this the ... day of ..., 20., before me, ..., the undersigned officer,
15 personally appeared ... who acknowledged himself to be the ... of ..., a
16 (member managed or manager managed) limited liability company,
17 and that he, as such ..., being authorized so to do, executed the
18 foregoing instrument for the purposes therein contained, by signing
19 the name of the limited liability company by himself as ...

20 In witness whereof I hereunto set my hand.

21
22
23 Title of Officer.

24
25 (NEW) (6) By a registered limited liability partnership:

26 State of ...
27 County of ...

28 On this the ... day of ..., 20., before me, ..., the undersigned officer,
29 personally appeared ... who acknowledged himself to be the ... of ..., a
30 registered limited liability partnership, and that he, as such ..., being
31 authorized so to do, executed the foregoing instrument for the
32 purposes therein contained, by signing the name of the registered
33 limited liability partnership by himself as ...

34 In witness whereof I hereunto set my hand.

35
36
37 Title of Officer.

38 Sec. 3. Section 1-62 of the general statutes is amended by adding
39 subdivisions (6) and (7) as follows (*Effective October 1, 2004*):

40 (NEW) (6) For a limited liability company:

41 State of

42 County of

43 The foregoing instrument was acknowledged before me this (date)
44 by (name and capacity of acknowledging member or manager) on
45 behalf of (name of limited liability company) a (member managed or
46 manager managed) (state of organization) limited liability company,
47 on behalf of the company.

48 (Signature of person taking acknowledgment)

49 (Title or rank)

50 (Serial number, if any)

51

52 (NEW) (7) For a registered limited liability partnership:

53 State of

54 County of

55 The foregoing instrument was acknowledged before me this (date)
56 by (name of acknowledging partner), partner (or agent) on behalf of
57 (name of registered limited liability partnership) a (state or place of
58 filing of certificate of registered limited liability partnership) registered
59 limited liability partnership, on behalf of the registered limited liability
60 partnership.

61 (Signature of person taking acknowledgment)
62 (Title or rank)
63 (Serial number, if any)

64 Sec. 4. Subsection (j) of section 47-236 of the general statutes is
65 repealed and the following is substituted in lieu thereof (*Effective*
66 *October 1, 2004*):

67 (j) If the declaration of a common interest community, whether
68 created before or after January 1, 1984, contains a provision requiring
69 that amendments relating to the use of units, the relocation of
70 boundaries between units and common elements or the extension or
71 creation of development rights may be adopted only by the vote or
72 agreement of unit owners of units to which more than eighty per cent
73 [or more] of the votes in the association are allocated, such a proposed
74 amendment shall be deemed approved if:

75 (1) (A) Unit owners of units to which [at least] more than eighty per
76 cent of the votes in the association are allocated vote for or agree to the
77 proposed amendment;

78 (B) No unit owner votes against the proposed amendment; and

79 (C) Notice of the proposed amendment is delivered to the unit
80 owners holding the votes in the association that have not voted or
81 agreed to the proposed amendment and no written objection of the
82 proposed amendment is received by the association within thirty days
83 after the association delivers notice; or

84 (2) Unit owners of units to which [at least] more than eighty per cent
85 of the votes in the association are allocated vote for or agree to the
86 proposed amendment but at least one unit owner objects to the
87 proposed amendment and, pursuant to an action brought by the
88 association in the Superior Court against all objecting unit owners, the
89 court finds that the objecting unit owner or owners do not have a
90 unique minority interest, different in kind from the interests of the

91 other unit owners, that the voting requirement of the declaration was
92 intended to protect.

93 Sec. 5. Subsection (b) of section 49-2 of the general statutes is
94 repealed and the following is substituted in lieu thereof (*Effective*
95 *October 1, 2004*):

96 (b) Advancements may be made by a mortgagee for repairs,
97 alterations or improvements and are a part of the debt due the
98 mortgagee, provided (1) advancements for [those] such repairs,
99 alterations or improvements shall not be made if the indebtedness at
100 the time of the advancement exceeds the amount of the original
101 mortgage debt; (2) the advancements shall not exceed the difference
102 between the indebtedness at the time of the advancement and the
103 original mortgage debt, if the original mortgage debt is greater than
104 the then indebtedness; (3) the total amount of all of the advancements
105 for repairs, alterations and improvements outstanding at any time
106 shall not exceed (A) one thousand dollars [; (4) the original mortgage
107 shall be executed and recorded after October 1, 1947; and (5)] as to
108 mortgages executed and recorded after October 1, 1947, but before
109 October 1, 2004, or (B) five thousand dollars as to mortgages executed
110 and recorded on or after October 1, 2004; and (4) the terms of
111 repayment of the advancements shall not increase the time of
112 repayment of the original mortgage debt.

113 Sec. 6. Section 49-9 of the general statutes is amended by adding
114 subsection (d) as follows (*Effective October 1, 2004*):

115 (NEW) (d) A release executed in accordance with this section shall
116 operate to release the mortgagee's interest in the property which is the
117 subject of the release, even if such interest is, in fact, acquired by the
118 mortgagee after executing such release or does not appear of record
119 until after the execution of such release.

120 Sec. 7. Section 49-10 of the general statutes is amended by adding
121 subsection (h) as follows (*Effective October 1, 2004*):

122 (NEW) (h) An assignment executed in accordance with this section
123 shall operate to assign the interest of the assignor in the property
124 which is the subject of the assignment, even if such interest is, in fact,
125 acquired by the assignor after executing such assignment or does not
126 appear of record until after the execution of such assignment.

127 Sec. 8. Section 49-92a of the general statutes is repealed and the
128 following is substituted in lieu thereof (*Effective October 1, 2004*):

129 (a) A purchaser's lien is created for the amount of the deposit paid
130 pursuant to and stated in a contract for the conveyance of land by the
131 recording of [that] such contract, or a notice thereof, in the records of
132 the town in which the land is situated, provided the contract, or notice
133 thereof, is executed by the owner and by the vendee of the land,
134 witnessed and acknowledged in the same manner as required for a
135 deed for the conveyance of land and describes the particular land to
136 which it refers. [That] Such purchaser's lien shall be prior to any other
137 liens and encumbrances originating after the contract, or notice
138 thereof, is recorded. A purchaser's lien may be foreclosed in the same
139 manner as a mortgage. Transfer of title of the land to the vendee
140 constitutes a release and discharge of the lien.

141 (b) Any notice recorded pursuant to this section shall, in addition to
142 the requirements set forth in subsection (a) of this section, include (1)
143 the address of the owner and the vendee, (2) the date provided in the
144 contract for the performance of such contract or, if such date is not
145 provided in such contract, the date on which such contract was
146 executed, and (3) the amount of the deposit paid pursuant to the
147 contract. Nothing in this subsection shall be construed to affect the
148 validity of any purchaser's lien created before the effective date of this
149 section.

150 Sec. 9. Section 49-92e of the general statutes is repealed and the
151 following is substituted in lieu thereof (*Effective October 1, 2004*):

152 Any person [L] having an interest in any real estate described in any

153 recorded contract of sale, or notice thereof, creating a purchaser's lien
154 which is invalid but not discharged of record [.] may give written
155 notice to the lienor to discharge the lien in the office where recorded. If
156 the request is not complied with in ten days, [that] such person may
157 bring his complaint to the court which would have jurisdiction of the
158 foreclosure of the lien, if valid, claiming such discharge of the lien, and
159 the court may adjudge the validity or invalidity of the lien and may
160 award the plaintiff damages for the failure of the defendant to make
161 discharge upon request. A certified copy of the judgment of invalidity,
162 recorded [on] in the land records of the town where such certificate of
163 lien was filed, fully discharges the lien.

164 Sec. 10. Section 49-92f of the general statutes is repealed and the
165 following is substituted in lieu thereof (*Effective October 1, 2004*):

166 Each person who has lodged for record a contract of sale, or notice
167 thereof, claiming a lien on any property under the provisions of
168 sections 49-92a to 49-92f, inclusive, shall, after receiving satisfaction of
169 his claim or after the rendition of a final judgment against him
170 showing that nothing is due thereon, within ten days after being
171 requested in writing to do so by any person interested in having the
172 lien removed, sign and lodge, in the office in which his original
173 contract of sale, or notice thereof, was filed for record, a certificate that
174 such lien is removed, which, when recorded, shall discharge such lien.
175 If he fails to comply with such request, he shall pay to the party
176 aggrieved such sum, not exceeding half the amount claimed by his
177 lien, as the court having cognizance of the action brought therefor may
178 determine.

This act shall take effect as follows:	
Section 1	<i>October 1, 2004</i>
Sec. 2	<i>October 1, 2004</i>
Sec. 3	<i>October 1, 2004</i>
Sec. 4	<i>October 1, 2004</i>
Sec. 5	<i>October 1, 2004</i>

Sec. 6	<i>October 1, 2004</i>
Sec. 7	<i>October 1, 2004</i>
Sec. 8	<i>October 1, 2004</i>
Sec. 9	<i>October 1, 2004</i>
Sec. 10	<i>October 1, 2004</i>

JUD *Joint Favorable*