



General Assembly

Amendment

January Session, 2007

LCO No. 7028

HB0689707028HRO

Offered by:
REP. HAMZY, 78th Dist.

To: Subst. House Bill No. 6897

File No. 640

Cal. No. 515

"AN ACT CONCERNING LIQUIDATED DAMAGES PROVISIONS IN CONTRACTS, REQUESTS FOR MORTGAGE PAYOFF STATEMENTS AND THE REPOSSESSION OF MOTOR VEHICLES IN BANKRUPTCY CASES."

1 Strike section 2 in its entirety and insert the following in lieu thereof:

2 "Sec. 2. Section 49-10a of the general statutes is repealed and the
3 following is substituted in lieu thereof (*Effective October 1, 2007*):

4 (a) A mortgagee or a mortgagee's attorney or other authorized agent
5 shall, upon written request of the mortgagor or the mortgagor's
6 attorney or other authorized agent provide a payoff statement in
7 writing to the person requesting [such] the payoff statement on or
8 before the date specified in such request, provided such request date is
9 at least [ten] eight business days [from] after the date of receipt of the
10 written request for a payoff statement. If the request is made in
11 connection with a default, the mortgagor's attorney may make such
12 written request directly to the mortgagee, provided such written
13 request contains a representation that the person requesting the payoff

14 statement is the mortgagor's attorney and that the mortgagor has
15 authorized the request.

16 (b) If the mortgagee fails to provide [such] the payoff statement on
17 or before such request date, the mortgagee shall not be entitled to the
18 payment of any interest on the mortgage loan which is secured by such
19 mortgage which accrues after the expiration of such request date. If the
20 mortgagee provides the payoff statement to the person requesting the
21 [same] payoff statement after the expiration of such request date,
22 interest on the mortgage loan which accrues after the receipt of [such]
23 the payoff statement by the person who has requested it shall again be
24 payable. The burden of proof shall be on the mortgagor with respect to
25 the receipt by the mortgagee of the mortgagor's request for a payoff
26 statement of the mortgage loan, and thereafter shall be on the
27 mortgagee with respect to the receipt of the payoff statement by the
28 mortgagor or the mortgagor's attorney or other authorized agent.

29 (c) The mortgagee shall not impose any fee or charge for the first
30 payoff statement requested within a calendar year, unless the
31 mortgagor or the mortgagor's attorney or other authorized agent
32 requests expedited delivery of the payoff statement, agrees to pay a fee
33 for such expedited delivery and the payoff statement is provided by
34 the agreed upon date.

35 (d) (1) Notwithstanding the provisions of subsections (a) to (c),
36 inclusive, of this section, in the case of a request made in connection
37 with a mortgage default after entry of judgment of foreclosure by sale,
38 it shall be the duty of the mortgagor or the mortgagor's attorney to
39 make a written request upon the foreclosure committee for a written
40 statement of the foreclosure committee's fees and costs. The request
41 shall specify a "good through date" which shall be the last date as of
42 which the foreclosure committee shall have performed any and all
43 duties required to be performed, pursuant to order of the court,
44 including the filing of a written report of foreclosure committee fees
45 and costs with the court, except that such filing shall not be required if
46 the foreclosure committee receives its fees and costs before it files the

47 report with the court.

48 (2) The foreclosure committee shall provide a written statement of
49 fees and costs to the mortgagor or the mortgagor's attorney not later
50 than three business days after receiving a written request pursuant to
51 subdivision (1) of this subsection. The mortgagor or the mortgagor's
52 attorney shall pay such fees and costs directly to the foreclosure
53 committee. The foreclosure committee shall provide the mortgagor or
54 the mortgagor's attorney with a written receipt for payment of such
55 fees and costs not later than twenty-four hours after the foreclosure
56 committee receives such payment.

57 (3) If a mortgagor or the mortgagor's attorney pays the foreclosure
58 committee an amount that exceeds the amount of the foreclosure
59 committee's actual fees and costs, the foreclosure committee shall
60 refund the excess amount not later than seven business days after the
61 excess amount is received by the foreclosure committee.

62 (4) It shall be an express condition to the delivery of a satisfaction of
63 judgment or release of the mortgage that all foreclosure committee fees
64 and costs be received by the foreclosure committee and that the
65 foreclosure committee shall have delivered written acknowledgement
66 to the mortgagee or the mortgagee's attorney that all foreclosure
67 committee fees and costs have been paid to the foreclosure committee.

68 (5) In the event that a judgment of foreclosure by sale is opened for
69 the purpose of extending the sale date, and the court has further
70 ordered that the mortgagor pay the foreclosure committee's fees and
71 costs incurred to the date of entry of such order, the provisions of this
72 subsection shall apply."