



General Assembly

January Session, 2009

Committee Bill No. 5174

LCO No. 4822

04822HB05174JUD

Referred to Committee on Judiciary

Introduced by:
(JUD)

AN ACT CONCERNING SERVICE OF PROCESS FEES IN FORECLOSURE ACTIONS.

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

1 Section 1. Section 52-261 of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2009*):

3 (a) Except as provided in subsection (b) of this section and section
4 52-261a, each officer or person who serves process, summons or
5 attachments shall receive a fee of not more than thirty dollars for each
6 process served and an additional fee of thirty dollars for the second
7 and each subsequent service of such process, except that such officer or
8 person shall receive an additional fee of ten dollars for each
9 subsequent service of such process at the same address or for
10 notification of the office of the Attorney General in dissolution and
11 postjudgment proceedings if a party or child is receiving public
12 assistance. Each such officer or person shall also receive the fee set by
13 the Department of Administrative Services for state employees for
14 each mile of travel, to be computed from the place where such officer
15 or person received the process to the place of service, and thence in the
16 case of civil process to the place of return. If more than one process is

17 served on one person at one time by any such officer or person, the
18 total cost of travel for the service shall be the same as for the service of
19 one process only. The total fee for process served in a foreclosure
20 action when the lis pendens is an attachment to the writ, summons and
21 complaint shall be the same as for the service of one process only. Each
22 officer or person who serves process shall also receive the moneys
23 actually paid for town clerk's fees on the service of process. Any officer
24 or person required to summon jurors by personal service of a warrant
25 to attend court shall receive for the first ten miles of travel while so
26 engaged, such mileage to be computed from the place where such
27 officer or person receives the process to the place of service, twenty-
28 five cents for each mile, and for each additional mile, ten cents. For
29 summoning any juror to attend court otherwise than by personal
30 service of the warrant, such officer or person shall receive only the sum
31 of fifty cents and actual disbursements necessarily expended by such
32 officer or person in making service thereof as directed.
33 Notwithstanding the provisions of this section, for summoning grand
34 jurors, such officer or person shall receive only such officer's or
35 person's actual expenses and such reasonable sum for services as are
36 taxed by the court. The following fees shall be allowed and paid: (1)
37 For taking bail or bail bond, one dollar; (2) for copies of writs and
38 complaints, exclusive of endorsements, one dollar per page, not to
39 exceed a total amount of nine hundred dollars in any particular matter,
40 provided the officer or person makes such copies himself or herself
41 and such amount reflects the officer's or person's actual cost to make
42 such copies; (3) for endorsements, forty cents per page or fraction
43 thereof; (4) for service of a warrant for the seizure of intoxicating
44 liquors, or for posting and leaving notices after the seizure, or for the
45 destruction or delivery of any such liquors under order of court,
46 twenty dollars; (5) for the removal and custody of such liquors so
47 seized, reasonable expenses, and twenty dollars; (6) for the levy of an
48 execution, when the money is actually collected and paid over, or the
49 debt or a portion of the debt is secured by the officer, fifteen per cent
50 on the amount of the execution, provided the minimum fee for such

51 execution shall be thirty dollars; (7) on the levy of an execution on real
 52 property and on application for sale of personal property attached, to
 53 each appraiser, for each half day of actual service, reasonable and
 54 customary expenses; (8) for causing an execution levied on real
 55 property to be recorded, fees for travel, twenty dollars and costs; (9)
 56 for services on an application for the sale of personal property
 57 attached, or in selling mortgaged property foreclosed under a decree of
 58 court, the same fees as for similar services on executions; (10) for
 59 committing any person to a community correctional center, in civil
 60 actions, twenty-one cents a mile for travel, from the place of the court
 61 to the community correctional center, in lieu of all other expenses; and
 62 (11) for summoning and attending a jury for reassessing damages or
 63 benefits on a highway, three dollars a day. The court shall tax as costs a
 64 reasonable amount for the care of property held by any officer under
 65 attachment or execution. The officer serving any attachment or
 66 execution may claim compensation for time and expenses of any
 67 person, in keeping, securing or removing property taken thereon,
 68 provided such officer shall make out a bill. The bill shall specify the
 69 labor done, and by whom, the time spent, the travel, the money paid, if
 70 any, and to whom the money was paid and for what. The
 71 compensation for the services shall be reasonable and customary and
 72 the amount of expenses and shall be taxed by the court with the costs.

73 (b) Each officer or person shall receive the following fees: (1) For
 74 service of an execution on a summary process judgment, not more
 75 than fifty dollars; and (2) for removal under section 47a-42 of a
 76 defendant or other occupant bound by a summary process judgment,
 77 and the possessions and personal effects of such defendant or other
 78 occupant, not more than seventy-five dollars per hour.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2009	52-261

Statement of Purpose:

To cap certain service of process fees in order to limit the economic burden on individuals and businesses facing foreclosure.

[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. MEGNA, 97th Dist.

H.B. 5174