AN ACT CONCERNING LAND RECORDS.

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

Section 1. Section 12-174 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

Any person, as owner in whole or in part of, or fiduciary having control of, or interest in, any real estate, may file with the tax collector, at any time within ninety days from the date when the first installment of a tax, or the whole tax in case installments are not authorized, has become due, and within thirty days from the date when the second or any succeeding installment of a tax, all previous installments of which have been paid, has become due, an affidavit showing in detail the existence of unusual financial or other circumstances which justify deferring collection of the tax laid upon such real estate. On receipt of such affidavit, which shall request that the collection of such tax be deferred, the tax collector shall, with [his] the tax collector's recommendations thereon, refer the same to the selectmen if a town not consolidated with a city or borough, to the common council or mayor and board of aldermen if a city, to the warden and burgesses if a borough or to the governing board if any other municipality, for authority to continue the lien securing such tax for a period not exceeding fifteen years. If action granting such authority is taken within sixty days from the receipt thereof, but not otherwise, the tax collector shall make out and file, within the first year after the first installment of the tax, or the whole tax in case installment payments
are not authorized, has become due, a certificate containing the
information required in section 12-173, and the town clerk shall record
such certificate; provided, (1) the tax collector shall notify the owner of
such real estate of the intent to file a lien by mail not later than fifteen
days prior to the filing of such lien, and (2) if such affidavit is
approved with respect to any installment, the succeeding installments,
if any, shall become due and payable from the due date of such
installment, and such certificate shall be made out and recorded to
secure payment of all unpaid installments of such tax. Failure to notify
such owner of the intent to file a lien shall not affect the validity of the
lien. Each tax, the lien for which has been continued by certificate
under the provisions of this section, shall not be subject to interest as
provided by section 12-146. Each lien continued by certificate under
the provisions of this section shall be subject to foreclosure at any time,
but shall be invalid after the expiration of fifteen years from the date of
recording the certificate continuing the same, unless an action of
foreclosure has been commenced within such time. After the
expiration of such period of fifteen years, if such action has not been
commenced, the [town clerk] tax collector then in office shall, upon the
request of any interested person, discharge such lien of record by
[noting on the margin thereof the words "Discharged by operation of
law", together with the date and his signature] recording a discharge of
lien in the office of the town clerk of the town in which such real estate
is situated.

Sec. 2. Section 12-175 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2009):

In addition to the method of procuring the continuance of the lien
provided in section 12-174, as amended by this act, the tax collector of
any municipality may continue any tax lien upon any item of real
estate by making out a certificate containing the information required
by the provisions of section 12-173. Each certificate authorized by the
provisions of this section shall be filed in the office of the town clerk of
the town in which such real estate is situated not later than two years
after the first installment of the tax, or the whole tax in case installment
payments are not authorized, has become due, and the town clerk shall
record such certificate in the land records of such town, provided the
tax collector shall notify the owner of such real estate of the intent to
file a lien by mail not later than fifteen days prior to the filing of such
lien. Failure to notify such owner shall not affect the validity of the
lien. Each such tax, as it may have been increased by interest, fees and
charges provided for by law, shall remain a lien upon such real estate
from the date of the filing of such certificate; and any tax lien so
continued, when the amount due has been paid, may be discharged by
a certificate of the then tax collector [of taxes] recorded in such land
records; but any tax lien upon private property which has been
recorded in the land records of any town for more than fifteen years
from the due date of the tax shall be invalid, and such property shall
be free from the encumbrance of such lien, unless an action of
foreclosure has been commenced during such period of fifteen years
and a notice of lis pendens filed for record, and the [town clerk] tax
collector shall, if no such notice has been filed, upon the request of any
interested person, discharge such lien of record by [noting on the
margin of such record the words, "Discharged by operation of law"]
recording a discharge of lien in the office of the town clerk of the town
in which such property is situated.

Sec. 3. Section 47-70a of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2009):

(a) The declaration shall be amended only by vote of two-thirds of
the unit owners, and the bylaws shall be amended by vote of a
majority of unit owners, at any meeting of the unit owners' association
duly called for either purpose, following written notice to all unit
owners and their mortgagees appearing on the records of the
association, except that if such amendment whether of the declaration
or of the bylaws directly or indirectly changes the boundaries of any
unit, the undivided interest in the common elements appertaining
thereto, the liability for common elements appertaining thereto, the
liability for common expenses or rights to common profits
appertaining thereto, or the number of votes in the unit owners'
association appertaining thereto, such amendment shall require the affirmative vote of seventy-five per cent of the unit owners and shall, in addition, require the consent of the mortgagees of at least seventy-five per cent of the units subject to mortgage.

(b) The declarant may require a unit owner or purchaser to execute and to deliver to the declarant a power of attorney or other document assigning to the declarant the right of a unit owner to vote on the amendment of condominium instruments pursuant to subsection (a) of this section, provided such power of attorney or other document shall be exercised or implemented only to amend the condominium instruments for the purpose of adding additional land in an expandable condominium pursuant to section 47-71a, and to reallocate the undivided interests in the common elements resulting from such expansion pursuant to subsection (c) of section 47-74, and the power of attorney or other document shall be expressly so limited.

(c) Notwithstanding any other provision of this chapter or the condominium instruments, the designation of the agent for the service of process named in the declaration may be changed from time to time by recording in the land records wherein the declaration is recorded the instrument for designation of an agent for service of process, which if the association is incorporated, shall be a copy of the instrument transmitted to the Secretary of the State or if not incorporated, an instrument including the same information as such an instrument for designation of agent. In addition, the instrument for designation shall refer to the volume and first page of the original condominium instruments, and a marginal notation thereon shall be made by the town clerk of such change.

Sec. 4. Section 47-270 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

(a) Except in the case of a sale in which delivery of a public offering statement is required under either this chapter or chapter 825, or unless exempt under subsection (b) of section 47-262, a unit owner
shall furnish to a purchaser or such purchaser's attorney, before the
earlier of conveyance or transfer of the right to possession of a unit, a
copy of the declaration, other than any surveys and plans, the bylaws,
the rules or regulations of the association, and a certificate containing:

(1) A statement disclosing the effect on the proposed disposition of any
right of first refusal or other restraint on the free alienability of the unit
held by the association; (2) a statement setting forth the amount of the
periodic common expense assessment and any unpaid common
expense or special assessment currently due and payable from the
selling unit owner; (3) a statement of any other fees payable by the
owner of the unit being sold; (4) a statement of any capital
expenditures in excess of one thousand dollars approved by the
executive board for the current and next succeeding fiscal year; (5) a
statement of the amount of any reserves for capital expenditures; (6)
the current operating budget of the association; (7) a statement of any
unsatisfied judgments against the association and the existence of any
pending suits in which the association is a defendant; (8) a statement of
the insurance coverage provided for the benefit of unit owners; (9) a
statement of any restrictions in the declaration affecting the amount
that may be received by a unit owner on sale, condemnation, casualty
loss to the unit or the common interest community or termination of
the common interest community; (10) in a cooperative, an accountant's
statement, if any was prepared, as to the deductibility for federal
income tax purposes by the unit owner of real property taxes and
interest paid by the association; (11) if the association is
unincorporated, the name of the statutory agent for service of process
filed with the Secretary of the State pursuant to section 47-244a; (12) a
statement describing any pending sale or encumbrance of common
elements; and (13) a statement disclosing the effect on the unit to be
conveyed of any restrictions on the owner's right to use or occupy the
unit or to lease the unit to another person.

(b) (1) Not later than ten business days after receipt of a written
request from a unit owner and payment by the unit owner of a fee
established by the association that reflects the actual printing,
photocopying and related costs, but in no event in excess of one hundred twenty-five dollars, for the preparation of the certificate and other documents, the association shall furnish a certificate containing the information necessary to enable the unit owner to comply with this section and any other documents required by this section. The association shall itemize the actual printing, photocopying and related costs and provide a list of the itemized costs to the unit owner with the certificate and documents. An additional fee of not more than ten dollars for expedited preparation may be established if the certificate and all required documents are furnished to the unit owner not later than three business days after the written request is received by the association. No fee under this subsection may include costs for services provided by an attorney or paralegal.

(2) A unit owner providing a certificate and documents pursuant to subsection (a) of this section is not liable to the purchaser for any erroneous information provided by the association and included in the certificate and documents.

(c) A purchaser is not liable for any unpaid assessment or fee greater than the amount set forth in the certificate prepared by the association. A unit owner is not liable to a purchaser for the failure or delay of the association to provide the certificate and documents in a timely manner, but the purchase contract is voidable by the purchaser until (1) the expiration of five days, excluding Saturdays, Sundays and legal holidays, after the certificate and documents have been delivered to such purchaser or such purchaser's attorney, or seven days, excluding Saturdays, Sundays and legal holidays, after the certificate and documents have been sent by registered or certified mail or mail evidenced by a certificate of mailing to such purchaser or such purchaser's attorney, or (2) conveyance, whichever first occurs.

(d) A dealer who offers a unit which he owns shall, in addition to the material provided to a purchaser or such purchaser's attorney under subsection (a) of this section, furnish to such purchaser or such purchaser's attorney a copy of any public offering statement that the
dealer received at the time he purchased his unit.

(e) The association shall, during the month of January in each year, [file] record in the land records in the office of the town clerk of the municipality or municipalities where such common interest community is located a certificate setting forth the name and mailing address of the officer of the association or the managing agent from whom a resale certificate may be requested, and shall, thereafter, [file] record in the land records such a certificate within thirty days of any change in the name or address of such officer or agent. [The town clerk shall keep such certificate on file in his office and make it available for inspection.]

Sec. 5. Section 49-13 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

(a) When the record title to real property is encumbered (1) by any undischarged mortgage, and (A) the mortgagor or those owning the mortgagor's interest therein have been in undisturbed possession of the property for at least six years after the expiration of the time limited in the mortgage for the full performance of the conditions thereof, and for six years next preceding the commencement of any action under this section, or (B) the promissory note or other written evidence of the indebtedness secured by the mortgage is payable on demand and seventeen years have passed without any payment on account of such note or other written evidence of indebtedness, or (C) the mortgage 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 account of the promissory note or other written evidence of indebtedness, or (D) the note or evidence of indebtedness has been paid or a bona fide offer and tender of the payment has been made pursuant to section 49-8, or (E) the mortgage has become invalid, and in any of such cases no release of the encumbrance to secure such note or evidence of indebtedness has been given, or (2) by a foreclosed mortgage and the mortgagor has made a bona fide offer and tender of
payment of the foreclosure judgment on or before the mortgagor's law
day and the mortgagor has refused to accept payment, or (3) by an
attachment, lis pendens or other lien which has become of no effect,
the person owning the property, or the equity in the property, may
bring a petition to the superior court for the judicial district in which
the property is situated, setting forth the facts and claiming a judgment
as provided in this section. The plaintiff may also claim in the petition
damages as set forth in section 49-8 if the plaintiff is aggrieved by the
failure of the defendant to execute the release prescribed in said
section.

(b) The petition shall be served upon all persons interested in the
mortgage, attachment, lis pendens or other lien in the manner
provided by law for process in civil actions and, in any action where
the parties who may have an interest in the property and should be
made parties thereto cannot be located by and are unknown to the
petitioner in the action, the petitioner or the petitioner's attorney shall
annex to the petition in the action an affidavit stating that the
petitioner does not know who the interested parties are or where they
reside, or, if the party interested in the property is a corporation whose
corporate existence has been legally terminated, or the corporation is
no longer in existence or doing business, and the petitioner or the
petitioner's attorney states that fact in an affidavit, the court to which
the action is brought or the clerk, assistant clerk or any judge thereof
may make such order relative to the notice which shall be given in the
cause as the court, clerk, assistant clerk or judge deems reasonable.

(c) Such notice having been given according to the order and duly
proven, the court may proceed to a hearing of the cause at such time as
it deems proper, and, if no evidence is offered of any payment on
account of the debt secured by the mortgage within a period set out in
subsection (a) of this section, or of any other act within such a period
as provided in said subsection (a) in recognition of its existence as a
valid mortgage, or if the court finds the mortgage has been satisfied
but no release given as evidence of such satisfaction, or if the court
finds that a bona fide offer and tender of payment of the foreclosure
judgment or mortgage has been made and refused, or if the court finds
the attachment, lis pendens or other lien has become of no effect, the
court may render a judgment reciting the facts and its findings in
relation thereto and declaring the mortgage, foreclosure judgment,
attachment, lis pendens or other lien invalid as a lien against the real
estate, and may order payment of any balance of indebtedness due on
the mortgage or foreclosure judgment to the clerk of the court to be
held for the benefit of the mortgagee or the persons interested and to
be paid to the mortgagee by the clerk of the court upon application of
the mortgagee or persons interested following the execution of a
release of mortgage.

(d) Upon deposit of the balance of indebtedness with the clerk, such
judgment shall issue, which judgment shall, within thirty days
thereafter, be recorded in the land records of the town in which the
property is situated, and the encumbrance created by the mortgage,
foreclosure judgment, attachment, lis pendens or other lien shall be
null and void and totally discharged. [The town clerk of the town in
which the real estate is situated shall, upon the request of any person
interested, endorse on the record of the encumbrance or lien the words
"discharged by judgment of the Superior Court", and list the volume
and page number in the land records where the judgment is recorded.]

Sec. 6. Section 49-88 of the general statutes is repealed and the
following is substituted in lieu thereof (Effective October 1, 2009):

A lien on real estate arising under the provisions of section 49-86
shall not continue in force as a lien for a longer period than fifteen
years after the date thereof unless within said period an action on the
bond in connection with which the notice of lien was filed has been
prosecuted to effect and a judgment lien against the surety filed
according to law. All liens on real estate which have expired under the
provisions of this section shall be deemed dissolved and the real estate
shall be free from any lien or encumbrance by reason of the same and
the town clerk of the town in which the real estate is situated shall,
upon the request of any person interested, [endorse on the record of
the notice of lien the words "discharged by operation of law"

discharge such lien of record by recording a discharge of lien.

Sec. 7. Section 49-90 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

If any lien arising under the provisions of section 49-86 has been made and the plaintiff has withdrawn his suit or has been nonsuited or final judgment has been rendered against him, or if such suit has not been returned, or if for any reason such lien has become of no effect, the clerk of the court to which such suit has been made returnable shall, upon the request of any person interested, issue a certificate in accordance with the facts, which certificate may be filed recorded in the office of the town clerk [], and such town clerk shall note on the margin of the record where such lien is recorded] of the town in which the real estate is situated.

Sec. 8. Section 49-91 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

In any proceeding wherein a lien has been filed pursuant to the provisions of section 49-86, if the plaintiff therein has received satisfaction for his claim, or final judgment has been rendered against him thereon, or when for any reason the lien has become of no effect, the plaintiff or his attorney, at the request of any person interested in the estate liened or in having the lien removed, shall lodge record a certificate [with the town clerk] that the lien is removed [. Each such certificate shall be recorded at length in a book kept for that purpose by the] in the office of the town clerk as a part of the land records of the town wherein the property affected by the release is located or wherein the notice of lien was filed.

Sec. 9. Section 52-322 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

When the estate of any person has been attached in any proceeding wherein a certificate of such attachment or a copy of the writ or
proceeding is required by law to be filed in the office of the town clerk, and the plaintiff therein has received satisfaction for his claim, or final judgment has been rendered against him thereon, or when for any reason such attachment has become of no effect, such plaintiff or his attorney, at the request of any person interested in the estate attached or in having the attachment lien removed, shall lodge a certificate with such town clerk that such attachment is dissolved and such lien removed. Each such certificate shall be recorded at length in a book kept for that purpose by such clerk as a part of the land records of the town wherein the property affected by the release is located or wherein the certificate of attachment was filed.

Sec. 10. Section 52-324 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

If an attachment, such as is set forth in section 52-322, as amended by this act, has been made and the plaintiff has withdrawn his suit or has been nonsuited or final judgment has been rendered against him, or if such suit has not been returned, or if for any reason such attachment has become of no effect, the clerk of the court to which such suit has been made returnable shall, upon the request of any person interested, issue a certificate in accordance with the facts, which certificate may be filed in the office of the town clerk, and shall by such town clerk be noted on the margin of the record where such attachment is recorded.

Sec. 11. Section 52-327 of the general statutes is repealed and the following is substituted in lieu thereof (Effective October 1, 2009):

No attachment of real estate shall continue in force as a lien for a longer period than fifteen years after the date thereof unless within said period the action in which such attachment was made has been prosecuted to effect and a judgment lien filed according to law. All attachments of real estate which have expired as a lien by the provisions of this section shall be deemed dissolved and the real estate
shall be free from any lien or encumbrance by reason of the same and
the [town clerk of the town in which such real estate is situated shall,
on the request of any person interested, endorse on the record of
such attachment the words "discharged by operation of law"] plaintiff
or the plaintiff's attorney, at the request of any person interested in the
estate attached or in having the attachment lien removed, shall record
a certificate with the town clerk of the town in which such real estate is
situated that such attachment is dissolved and such lien removed. Each
such certificate shall be recorded by such clerk as a part of the land
records of the town wherein the property affected by the release is
located or wherein the certificate of attachment was filed.

This act shall take effect as follows and shall amend the following sections:

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Statement of Legislative Commissioners:
Changes were made in sections 1, 2, 6, 8, 9 and 11 for consistency.

JUD Joint Favorable Subst.-LCO