

**THE LAW OFFICE OF
SAMUEL L. SCHRAGER & ASSOCIATES, LLC**

1733 Storrs Road, P.O. Box 534, Storrs, Connecticut 06268
860-487-0350 / FAX 860-487-0030

March 19, 2012

Judiciary Committee
Connecticut Legislature
Hartford, Connecticut 06106

Re: **HB 5430 AN ACT ELIMINATING THE REQUIREMENT
THAT THERE BE WITNESSES TO A CONVEYANCE OF
LAND**

Dear Committee Members:

I wish to support the above referenced bill eliminating the requirement that there be witnesses to a conveyance of land.

I have been a member of the Connecticut bar since 1975, practicing real estate law among other areas of legal practice. In addition I have been a professor of business law at the University of Connecticut School of Business since 1975.

Connecticut law currently requirements that instruments conveying an interest in real property be witnessed by two individuals and acknowledged by a notary, commissioner of the superior court, a member of the judiciary. There are less than a handful of states with similar requirements. The vast majority of states require only the acknowledgment.

In many cases it is difficult to have witnesses available for the execution of these conveyances. Legal practitioners often must limit their availability to provide their services to hours when office staff are present to serve as the attesting witnesses. If an attorney wishes to see clients after normal

business hours or outside of their offices they are faced with the problem of finding witnesses or improperly asking individuals who were not present to serve as witnesses after the execution of the documents.

If this were only a matter of convenience for the legal practitioner I would not be as supportive of this proposed legislation. However, the current witnessing requirement imposes a burden on the parties executing documents because it limits the times and places for them to sign conveyances since counsel must comply with the statute as presently worded.

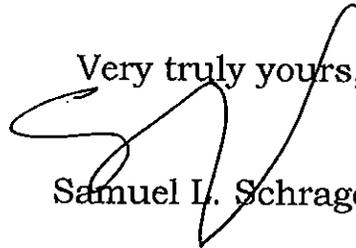
The witnessing requirement can be deemed a method of prohibiting fraud in the execution of these instruments. I have reviewed the document execution statutes of other states which do not have a witnessing requirement, but do have an acknowledgment requirement. I have found no cases where fraud was alleged to have existed in the execution of these kinds of instruments.

I am aware that in the past efforts to eliminate witnesses has been opposed by some members of the Connecticut bar. It is my understanding that this opposition was based on an effort to protect the role of practitioners in the real estate conveyance process. As a real estate attorney I concur with my colleagues that attorneys are best equipped to protect the interests of individuals conveying real property. In recent years there has been an increase in the number of conveyances being conducted without lawyers. However, what is most disturbing is that in many instances problems have arisen where non-lawyers have failed to properly explain the conveyance documents or neglected to prepare these instruments. I am aware of a case where a non-lawyer closer went to the home of a borrower in a mortgage closing and when faced with the need to have a witness asked an eight-year old to serve in that capacity.

The real estate bar does not need a witnessing requirement to protect their interests by such an artificial barrier. In order to preserve and advance its interests and those of the public the bar must educate those individuals conveying real property that they are better served by professional expertise not by the opportunity to incur lower fees and costs.

It is in the best interests of the citizens of the State of Connecticut that HB 5430 be adopted. I respectfully request that you vote this bill out of committee for approval by the General Assembly and Senate of the State of Connecticut.

Very truly yours,

A handwritten signature in black ink, appearing to be 'S. Schrager', written over the typed name.

Samuel L. Schrager