

To: General Assembly – February Session, 2012
CC: Connecticut Creditor Bar Association, Inc.
From: Adam J. Olshan, President, Connecticut Creditor Bar Association, Inc.
Date: 3/16/2012
Re: Raised Bill No. 306, LCO No. 1481, *01481 _____JUD*

The General Assembly is contemplating changes to Section 52-367b of the general statutes. Specifically, it is contemplating adding the following sentence as the last sentence of Section 52-367b(b):

An execution shall not be served a second time on the same financial institution.

On behalf of the Connecticut Creditor Bar Association, I am asking the General Assembly to consider substituting the following proposed language:

A particular execution issued by a clerk shall not be served a second time on the same financial institution. Nothing in this subsection shall prevent service of a newly issued execution on a financial institution even when the financial institution was previously served with a prior, but distinct, execution.

Our suggestion is made under the belief that it maintains the intent of the original language but prevents the chance for inconsistent and varying readings of the statute. For example, as contemplated, one may attempt to read the statute to mean: (1) Once a financial institution is served with any execution, no Marshal may again serve the financial institution; (2) once a financial institution is served, an application may not be made for a new execution that may be served on the financial institution; (3) once a particular first party applies for a financial institution execution, a Marshal is prevented from serving a second distinct parties execution because a Marshal served a prior execution on the same financial institution.

On behalf of the Connecticut Creditor Bar Association, I thank the General Assembly in advance for considering our suggestion.

Respectfully submitted,

Adam J. Olshan, President

Connecticut Creditor Bar Association, Inc.