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March 13, 2012

Joint Committee on Judiciary
Room 2500, Legislative Office Building
300 Capitol Avenue
Hartford, CT 06106

Re: S.B. No. 306 - An Act Concerning Executions on Judgments

Mr. Chairman and Members of the Committee:

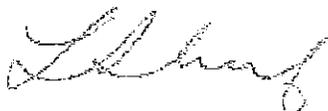
I would like to voice the opposition of our organization, the Connecticut Creditors Bar Association, to portions of this bill, specifically to two proposed amendments.

1) If the statute is amended to state that an execution cannot be served a second time on the same bank (52-367b(b)), we propose to add to that "unless the first execution was returned unsatisfied." If no money was levied from a bank, there should be no reason why the creditor should not be permitted to execute again on that bank at a later time. Another alternative would be to permit the creditor to use one bank execution multiple times, especially in light of the proposed new increase in the fees. This would also benefit the defendant, since all fees are added on to the judgment.

2) It is simply not practical – and not equitable - to permit a debtor to raise a claim of exemption *at any time* (52-367b(e)). This amendment actually contradicts subsection (h) which mandates a 15 day waiting period in before the bank can pay the marshal. Additionally, the amendment means that a debtor can make a claim of exemption months - or even years - later for return of his money. It is absurd that we collect money, remit to our client or the collection agency, who then in turn remits to the client, and then ask for the return of the money who knows how much later. If granted, we would have to go back to all of these entities including the marshal to obtain the funds. And, in some cases, the creditor could have already filed a Satisfaction of Judgment, provided the debtor with a paid in full letter and/or reported the judgment satisfied to the credit reporting companies. It also opens a new set of questions: What happens to the marshal fee? Does the creditor now have to pay interest for the now exempt funds?

Why is a wide open exemption period warranted or needed-the bank has the current address of the defendant on file, they send them the paperwork, and they are entitled to claim the exemption *within* 15 days. What is the purpose of this-are there that many defendants out there who never knew their bank account was attached. With the increase in online banking you would think that the notice problem would be alleviated since people can see *right away* that the money was taken from their account. Why not expand the exemption period to 20 or 25 days and provide that banks must send the exemption paperwork by certified mail to alleviate concerns over lack of notice?

We ask you to consider these issues. Thank you for your time and attention.



Linda Strumpf