



General Assembly

February Session, 2012

**Raised Bill No. 5549**

LCO No. 2556

\*02556\_\_\_\_\_JUD\*

Referred to Committee on Judiciary

Introduced by:  
(JUD)

**AN ACT CONCERNING THE FILING OF A MOTION TO OPEN A JUDGMENT OF FORECLOSURE.**

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

1 Section 1. Section 49-15 of the general statutes is repealed and the  
2 following is substituted in lieu thereof (*Effective October 1, 2012*):

3 (a) (1) Any judgment foreclosing the title to real estate by strict  
4 foreclosure may, at the discretion of the court rendering the judgment,  
5 upon the written motion of any person having an interest in the  
6 judgment and for cause shown, be opened and modified,  
7 notwithstanding the limitation imposed by section 52-212a, upon such  
8 terms as to costs as the court deems reasonable, provided no such  
9 judgment shall be opened after the title has become absolute in any  
10 encumbrancer except as provided in subdivision (2) of this subsection.

11 (2) Any judgment foreclosing the title to real estate by strict  
12 foreclosure may be opened after title has become absolute in any  
13 encumbrancer upon agreement of each party to the foreclosure action  
14 who filed an appearance in the action and any person who acquired an  
15 interest in the real estate after title became absolute in any

16 encumbrancer, provided (A) such judgment may not be opened more  
17 than four months after the date such judgment was entered or more  
18 than thirty days after title became absolute in any encumbrancer,  
19 whichever is later, and (B) the rights and interests of each party,  
20 regardless of whether the party filed an appearance in the action, and  
21 any person who acquired an interest in the real estate after title became  
22 absolute in any encumbrancer, are restored to the status that existed on  
23 the date the judgment was entered.

24 (3) If a judgment is opened pursuant to this subsection, the person  
25 who filed the written motion pursuant to subdivision (1) of this  
26 subsection shall record a certified copy of the court's order to open  
27 such judgment on the land records in the town in which the real estate  
28 is situated.

29 (b) Notwithstanding the provisions of subsection (a) of this section,  
30 no motion to open a judgment of strict foreclosure or a judgment of  
31 foreclosure by sale may be filed within thirty days of the first law day  
32 or the sale date set by the court.

33 [(b)] (c) Upon the filing of a bankruptcy petition by a mortgagor  
34 under Title 11 of the United States Code, any judgment against the  
35 mortgagor foreclosing the title to real estate by strict foreclosure shall  
36 be opened automatically without action by any party or the court,  
37 provided, the provisions of such judgment, other than the  
38 establishment of law days, shall not be set aside under this subsection,  
39 provided no such judgment shall be opened after the title has become  
40 absolute in any encumbrancer or the mortgagee, or any person  
41 claiming under such encumbrancer or mortgagee. The mortgagor shall  
42 file a copy of the bankruptcy petition, or an affidavit setting forth the  
43 date the bankruptcy petition was filed, with the clerk of the court in  
44 which the foreclosure matter is pending. Upon the termination of the  
45 automatic stay authorized pursuant to 11 USC 362, the mortgagor shall  
46 file with such clerk an affidavit setting forth the date the stay was  
47 terminated.

This act shall take effect as follows and shall amend the following sections:		
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Section 1	October 1, 2012	49-15
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**Statement of Purpose:**

To prescribe the permissible time frame for the filing of a motion to open a judgment of 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.]*