



General Assembly

**Amendment**

January Session, 2013

LCO No. 8683

**\*HB0670408683SR0\***

Offered by:

SEN. FASANO, 34<sup>th</sup> Dist.

SEN. LINARES, 33<sup>rd</sup> Dist.

To: House Bill No. 6704

File No.

Cal. No. 692

(As Amended by House Amendment Schedule "A")

**"AN ACT CONCERNING EXPENDITURES AND REVENUE FOR  
THE BIENNIUM ENDING JUNE 30, 2015."**

---

1 Strike section 97 in its entirety and insert the following in lieu  
2 thereof:

3 "Sec. 97. Section 49-10 of the general statutes is repealed and the  
4 following is substituted in lieu thereof (*Effective July 1, 2013*):

5 (a) As used in this section, "mortgage debt" means a debt or other  
6 obligation secured by mortgage, assignment of rent or assignment of  
7 interest in a lease.

8 (b) Whenever any mortgage debt is assigned by an instrument in  
9 writing containing a sufficient description to identify the mortgage,  
10 assignment of rent or assignment of interest in a lease, given as  
11 security for the mortgage debt, and that assignment has been executed,  
12 attested and acknowledged in the manner prescribed by law for the

13 execution, attestation and acknowledgment of deeds of land, the title  
14 held by virtue of the mortgage, assignment of rent or assignment of  
15 interest in a lease, shall vest in the assignee. An instrument  
16 substantially in the following form is sufficient for such assignment:

17 Know all Men by these Presents, That ... of ... in the county of ...  
18 and state of ... does hereby grant, bargain, sell, assign, transfer and set  
19 over a certain (mortgage, assignment of rent or assignment of interest  
20 in a lease) from ... to ... dated ... and recorded in the records of the  
21 town of ... county of ... and state of Connecticut, in book ... at page ...

22 In Witness Whereof ... have hereunto set ... hand and seal, this ... day  
23 of ... A.D. ....

24 Signed, sealed and delivered  
25 in the presence of

26 (SEAL)

27 (Acknowledged)

28 (c) In addition to the requirements of subsection (b) of this section,  
29 whenever an assignment of any residential mortgage loan (1) made by  
30 a lending institution organized under the laws of or having its  
31 principal office in any other state, and (2) secured by mortgage on  
32 residential real estate located in this state is made in writing, the  
33 instrument shall contain the name and business or mailing address of  
34 all parties to such assignment.

35 (d) If a mortgage debt is assigned, a party obliged to pay such  
36 mortgage debt may discharge it, to the extent of the payment, by  
37 paying the assignor until the party obliged to pay receives sufficient  
38 notice in accordance with subsection (f) of this section that the  
39 mortgage debt has been assigned and that payment is to be made to  
40 the assignee. In addition to such notice, if requested by the party  
41 obliged to pay, the assignee shall furnish reasonable proof that the  
42 assignment has been made, and until the assignee does so, the party

43 obliged to pay may pay the assignor. For purposes of this subsection,  
44 "reasonable proof" means (1) written notice of assignment signed by  
45 both the assignor and the assignee, (2) a copy of the assignment  
46 instrument, or (3) other proof of the assignment as agreed to by the  
47 party obliged to pay such mortgage debt.

48 (e) If a mortgage debt is assigned, a party obliged to pay such  
49 mortgage debt who, in good faith and without sufficient notice of the  
50 assignment in accordance with subsection (f) of this section, executes  
51 with the assignor a modification or extension of the mortgage,  
52 assignment of rent or assignment of interest in a lease, shall have the  
53 benefit of such modification or extension, provided, the assignee shall  
54 acquire corresponding rights under the modified or extended  
55 mortgage, assignment of rent or assignment of interest in a lease. The  
56 assignment may provide that modification or extension of the  
57 mortgage, assignment of rent or assignment of interest in a lease,  
58 signed by the assignor after execution of the assignment, is a breach by  
59 the assignor of the assignor's contract with the assignee.

60 (f) Notice of assignment is sufficient for purposes of subsections (d)  
61 and (e) of this section if the assignee notifies a party obliged to pay the  
62 mortgage debt (1) by mailing to the party obliged to pay, at the party's  
63 last billing address, a notice of the assignment identifying the  
64 instrument and mortgage debt assigned, the party obliged to pay such  
65 debt, the names of the assignor and assignee, the date of the  
66 assignment, and the name and address of the person to whom  
67 payments should be made, (2) by giving notice of the assignment  
68 pursuant to 12 USC Section 2605, Section 6 of the federal Real Estate  
69 Settlement Procedures Act of 1974 and the regulations promulgated  
70 pursuant to said section, as from time to time amended, or (3) by  
71 giving actual notice of the assignment, reasonably identifying the  
72 rights assigned, in any other manner. No signature on any such notice  
73 is necessary to give sufficient notice of the assignment under this  
74 subsection and such notice may include any other information.

75 (g) Recordation of an assignment of mortgage debt is not sufficient

76 notice of the assignment to the party obliged to pay for purposes of  
77 subsection (d) or (e) of this section.

78 (h) Notwithstanding the provisions concerning remittance and  
79 retention of fees set forth in section 7-34a, as amended by this act, the  
80 recording fees paid in accordance with subsections (a), (d) and (e) of  
81 said section by a nominee of a mortgagee, as defined in subdivision (2)  
82 of subsection (a) of said section, shall be allocated as follows: (1) For  
83 fees collected upon a recording by a nominee of a mortgagee, except  
84 for the recording of an assignment of mortgage in which the nominee  
85 of a mortgagee appears as assignor, the town clerk shall remit one  
86 hundred ten dollars of such fees to the state, such fees shall be  
87 deposited into the General Fund and, upon deposit in the General  
88 Fund, one hundred ten dollars of such fees shall be credited to the  
89 community investment account established pursuant to section 4-66aa;  
90 the town clerk shall retain forty-nine dollars of such fees, thirty-nine  
91 dollars of which shall become part of the general revenue of such  
92 municipality and ten dollars of which shall be deposited into the town  
93 clerk fund; and the town clerk shall retain any fees for additional pages  
94 beyond the first page in accordance with the provisions of subdivision  
95 (2) of subsection (a) of said section; and (2) for the fee collected upon a  
96 recording of an assignment of mortgage in which the nominee appears  
97 as assignor, the town clerk shall remit one hundred twenty-seven  
98 dollars of such fee to the state, such fee shall be deposited into the  
99 General Fund and, upon deposit in the General Fund, sixty-seven  
100 dollars of such fee shall be credited to the community investment  
101 account and sixty dollars of such fee shall be credited to the State  
102 Banking Fund for purposes of funding the foreclosure mediation  
103 program established by section 49-31m; and the town clerk shall retain  
104 thirty-two dollars of such fee, which shall become part of the general  
105 revenue of such municipality.

106 [(h)] (i) An assignment executed in accordance with this section  
107 shall operate to assign the interest of the assignor in the mortgage  
108 which is the subject of the assignment, even if such interest is, in fact,

109 acquired by the assignor after executing such assignment or does not  
 110 appear of record until after the execution of such assignment. Nothing  
 111 in this subsection shall be construed to limit the effect of any  
 112 assignment of mortgage debt recorded before, on or after October 1,  
 113 2006."

114 After the last section, add the following and renumber sections and  
 115 internal references accordingly:

116 "Sec. 501. (*Effective July 1, 2013*) Wage increases for all state  
 117 employees not subject to collective bargaining agreements, shall be  
 118 eliminated for the fiscal years ending June 30, 2014, and June 30, 2015."

This act shall take effect as follows and shall amend the following sections:		
Sec. 97	<i>July 1, 2013</i>	49-10
Sec. 501	<i>July 1, 2013</i>	New section