



STATE OF CONNECTICUT  
JUDICIAL BRANCH

EXTERNAL AFFAIRS DIVISION

---

231 Capitol Avenue  
Hartford, Connecticut 06106  
(860) 757-2270 Fax (860) 757-2215

**Testimony of the Judicial Branch  
Banking Committee Public Hearing  
March 8, 2016**

**S.B. 403, An Act Concerning Foreclosure by Commercial Power of Sale**

Thank you for the opportunity to submit written testimony on behalf of the Judicial Branch regarding *S.B. 403, An Act Concerning Foreclosure by Commercial Power of Sale*. The Judicial Branch has concerns with the bill as proposed.

In Section 1, it is unclear what is meant by "incorporated by reference." We would suggest language that ensures that a mortgagor has full knowledge of any clause that would provide for statutory power of sale. It is also unclear in lines 12-14 why power of sale is allowed against a one-to-four family dwelling if it is not the mortgagor's principal dwelling at the time the mortgage originates. What would happen if the mortgagor moved into that dwelling later on and it became his or her principal dwelling?

In Section 5, rather than require any of these matters to be placed on short calendar, we would respectfully request that the Committee consider language that would allow the court to schedule these matters within the court's discretion, as long as it is within the required timeframe. We are also concerned that there may not be enough time to give a party notice by mail or publication. In addition, it is not clear if these actions would require a normal entry fee as for civil actions. Furthermore, in subsection (d) we would respectfully request that the Committee consider providing 12

days for service of the complaint as is the standard used in other proceedings. This will avoid confusion.

In Section 6, court approval is not required for the inclusion of expenses in the power of sale. The court only serves in these proceedings to oversee any objections to priorities and distribution of proceeds to the subordinate lienholders. Lastly, if the Committee believes it is necessary for a certified copy of the court's order, the court should be allowed to collect the fee for the certified copy.

Thank you for your time and attention to this matter.