



Judiciary Committee Public Hearing Testimony - March 7, 2016

**Support for HB 5526, AAC the Payment of a Reasonable Fee to an Officer or Person Who Records a Notice of Lis Pendens in the Office of a Town Clerk.**

Chairman Coleman, Chairman Tong and Members of the Judiciary Committee. My name is Brian Anderson. I am speaking for Council 4 AFSCME, a union of 35,000 public and private employees.

A recent attorney general's ruling has stopped state marshals from being able to collect a fee which they have historically always collected for making recordings at town clerk's offices. This bill will allow state marshals to be compensated for time and travel that is associated with the filing of any and all real estate recordings under the direction of the plaintiff's attorney to comply with CGS requirements.

We do request one small language change. In section 1, subsection (a) please change the wording in from (L) "for recording a notice of lis pendens, a reasonable fee" to "for all recordings, a reasonable fee."

State marshals act as agents of the state and make their living by collecting fees for serving legal documents for the most part. The Hartford Courant has wrote in an August 18, 2013 article that half of the state marshals made \$34,000 or less the year before. The article also said that 16 state marshals ended the year losing money. Operating on such a thin margin, shows the need for this bill. Marshals are responsible for paying for their own bond, insurance and annual fee. They must provide their own health insurance if they have it.

Thank you for your consideration if you have any questions, please call Brian Anderson at 860-690-2597.



General Assembly  
February Session, 2016

**Raised Bill No. 5526**

LCO No. 2466



Referred to Committee on JUDICIARY

Introduced by:  
(JUD)

**AN ACT CONCERNING THE PAYMENT OF A REASONABLE FEE TO AN OFFICER OR PERSON WHO RECORDS A NOTICE OF LIS PENDENS IN THE OFFICE OF A TOWN CLERK.**

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

Section 1. Subsection (a) of section 52-261 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Except as provided in subsection (b) of this section and section 52-261a, each officer or person who serves process, summons or attachments on behalf of: (1) An official of the state or any of its agencies, boards or commissions, or any municipal official acting in his or her official capacity, shall receive a fee of not more than thirty dollars for each process served and an additional fee of thirty dollars for the second and each subsequent service of such process, except that such officer or person shall receive an additional fee of ten dollars for each subsequent service of such process at the same address or for notification of the office of the Attorney General in dissolution and postjudgment proceedings if a party or child is receiving public assistance; and (2) any person, except a person described in subdivision (1) of this subsection, shall receive a fee of not more than forty dollars

for each process served and an additional fee of forty dollars for the second and each subsequent service of such process, except that such officer or person shall receive an additional fee of twenty dollars for each subsequent service of such process at the same address or for notification of the office of the Attorney General in dissolution and postjudgment proceedings if a party or child is receiving public assistance. Each such officer or person shall also receive the fee set by the Department of Administrative Services for state employees for each mile of travel, to be computed from the place where such officer or person received the process to the place of service, and thence in the case of civil process to the place of return. If more than one process is served on one person at one time by any such officer or person, the total cost of travel for the service shall be the same as for the service of one process only. Each officer or person who serves process shall also receive the moneys actually paid for town clerk's fees on the service of process. Any officer or person required to summon jurors by personal service of a warrant to attend court shall receive for the first ten miles of travel while so engaged, such mileage to be computed from the place where such officer or person receives the process to the place of service, twenty-five cents for each mile, and for each additional mile, ten cents. For summoning any juror to attend court otherwise than by personal service of the warrant, such officer or person shall receive only the sum of fifty cents and actual disbursements necessarily expended by such officer or person in making service thereof as directed. Notwithstanding the provisions of this section, for summoning grand jurors, such officer or person shall receive only such officer's or person's actual expenses and such reasonable sum for services as are taxed by the court. The following fees shall be allowed and paid: (A) For taking bail or bail bond, one dollar; (B) for copies of writs and complaints, exclusive of endorsements, one dollar per page, not to exceed a total amount of nine hundred dollars in any particular matter; (C) for endorsements, forty cents per page or fraction thereof; (D) for service of a warrant for the seizure of intoxicating liquors, or for posting and leaving notices after the seizure, or for the destruction or delivery of any such liquors under order of court, twenty dollars; (E) for the removal and custody of such liquors so seized, reasonable expenses, and twenty dollars; (F) for the levy of an execution, when the money is actually collected and paid over, or the debt or a portion of the debt is secured by the officer, fifteen

per cent on the amount of the execution, provided the minimum fee for such execution shall be thirty dollars; (G) on the levy of an execution on real property and on application for sale of personal property attached, to each appraiser, for each half day of actual service, reasonable and customary expenses; (H) for causing an execution levied on real property to be recorded, fees for travel, twenty dollars and costs; (I) for services on an application for the sale of personal property attached, or in selling mortgaged property foreclosed under a decree of court, the same fees as for similar services on executions; (J) for committing any person to a community correctional center, in civil actions, twenty-one cents a mile for travel, from the place of the court to the community correctional center, in lieu of all other expenses; **[and]** (K) for summoning and attending a jury for reassessing damages or benefits on a highway, three dollars a day; and (L) for recording a notice of lis pendens, a reasonable fee. The court shall tax as costs a reasonable amount for the care of property held by any officer under attachment or execution. The officer serving any attachment or execution may claim compensation for time and expenses of any person, in keeping, securing or removing property taken thereon, provided such officer shall make out a bill. The bill shall specify the labor done, and by whom, the time spent, the travel, the money paid, if any, and to whom and for what. The compensation for the services shall be reasonable and customary and the amount of expenses and shall be taxed by the court with the costs.

Thank you for your consideration.