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TESTIMONY OF HOUSTON PUTNAM LOWRY IN OPPOSITION TO RB: 485- AN ACT CONCERNING THE PROVISION OF A PAYOFF STATEMENT BY A JUDGMENT LIENHOLDER

This testimony is submitted in opposition to support of RB-485- An Act Concerning the Provision of a Payoff Statement by a Judgment Lienholder. I have represented a number of plaintiffs in litigation since I began practicing in Connecticut in 1983. Many of those judgments are secured by judgment liens on real property.

It should be noted this act is probably not necessary in light of Connecticut General Statutes §49-8 and §49-51 (once a lien is paid it becomes invalid).

While I have no objection to requiring a payoff statement from a judgment creditor, it does not make sense to require a judgment lien creditor's attorney to provide a payoff statement. Most of these real property judgment liens will be old and the attorney may not have current contact information for their client. Appearances remain on file indefinitely. After a period of years, we often do not know how to contact our former clients. In those cases, the attorneys will not know the balance due under the judgment (especially since payments may have gone directly to the creditor).

If the attorney responds with an "I don't know" that does not advance the process. It does not make sense to impose personal liability on an attorney in such circumstances.

I request you do not report this bill to the General Assembly without removing the reference to the judgment creditor's attorney.