

POLIVY, LOWRY & CLAYTON, LLC

ATTORNEYS AT LAW
SIX CENTRAL ROW-SECOND FLOOR
HARTFORD, CT 06103 USA

Telephone
+1 (860) 560-1180

Telecopier
+1 (860) 560-1354

TESTIMONY OF HOUSTON PUTNAM LOWRY IN OPPOSITION TO RSB: 320 – AN ACT CONCERNING REAL ESTATE CLOSINGS AND ATTORNEYS AND LAW FIRMS PREFERRED BY MORTGAGE LENDERS

This testimony is submitted in opposition to RSB: 320 – An Act Concerning Real Estate Closings And Attorneys And Law Firms Preferred By Mortgage Lenders. I am an attorney who does not generally perform any real estate closings. While our law firm does a small amount of residential closings, we have a substantial practice involving commercial real estate closings.

While I have sympathy for having such a law, I see two major problems with it:

1. This bill seems to prevent people from representing themselves in real estate closings. I am not sure that is a good policy decision (although I would **NOT** recommend people represent themselves in real estate closings).
2. There is no requirement in Connecticut for an attorney to have insurance (and I assume you mean malpractice insurance and not premises liability insurance). I would suggest this requirement deleted if you want to report this bill out of committee (or you will have to set a standard, which is probably not workable).

There are a couple of things you can do to require a Connecticut attorneys be involved in any real estate closing:

1. Require the real estate transfer tax be exclusively paid to attorneys, who then must pay it to the Town and the State of Connecticut. Parties cannot record a deed or mortgage without it being countersigned by an attorney.
2. Require all deeds and mortgages be countersigned by an attorney prior to recording to be valid.

I request the Insurance and Real Estate Committee **NOT** report this bill to the General Assembly.