

Foreclosure Registration Requirements

Effective October 1, 2011

PA 11-201 (§§ 13-15) makes changes in several laws affecting banking and housing, including foreclosure. Among other things, the act requires anyone who commences a foreclosure action concerning a subject property to register the property with the town clerk in the municipality where the property is located. They must pay a land record filing fee and the municipality must maintain the registration separate from the land records.

The act requires anyone taking title to a subject property after foreclosure to register with the town clerk within 15 days of absolute title vesting in the person. It eliminates the option of registering with the Mortgage Electronic Registration Systems (MERS). If the registering owner was also the plaintiff in the foreclosure action, the person must update its prior registration rather than registering anew.

Prior law required those who register with a municipality, but not with MERS, to pay a \$100 fee to the municipality. The act instead requires all registrants (including foreclosure plaintiffs updating their prior registration) to pay to the municipality a land record filing fee.

The act permits a municipality to issue a notice for violations of state laws or municipal ordinances on property repair or maintenance only for registrations after title has vested following foreclosure (including updated registrations by those previously registered as plaintiffs). It also makes other changes regarding these notices.

Note: This is an excerpt from the July 13, 2011, *OLR Research Report for Town Clerks*, 2011-R-0243.
CGS Section 7-148ii

Town Clerk Guidelines for Connecticut General Statutes Section 7-34a, Section 7-148ii, Public Act 11-201. Effective October 1, 2011	
<u>FORM 1</u>	Registration of Residential Property Being Foreclosed <i>or</i> Filing to Report Changes
<u>FORM 2</u>	Registration of Property Acquired through Foreclosure <i>or</i> Updated Registration for Property Acquired Through Foreclosure <i>or</i> Filing to Report Changes

1. **Do not record any registration form on the land records.**
2. **Filing fee is \$53.00** per registration or updated registration. See CGS §7-34a.
 - a. No fee is required for a change in information made to a registration or an updated registration.
 - b. Fees are payable to the town of registration.
 - i. The fee is collected for filing the initial registration of FORM 1 *or* FORM 2 *or* for an updated registration of FORM 2. Forms are available on the CTCA web site.
 - c. Make monthly surcharge payments to the State Treasurer and the State Library on the same forms used for Land Record surcharge payments. Forms are available on the CTCA web site.
3. **File the registration form** in a loose-leaf binder, folder, or other secure filing system that is easily and readily available to the public, title searchers, attorneys, and other Town staff.
 - a. Enter data in Foreclosure Registration Log by order of "date received." Enter property location next to the date received. Use separate columns for the street name and street number to help with sorting by street name. File the registrations by the date received. Make the Log available to searchers in order to save time and to preserve the integrity of the records. (The Log is a suggestion and not required.)

FORM 1

Registration **FORM 1** is filed by a Plaintiff who commences an action to foreclose a mortgage in a *Notice of lis pendens*. (\$53.00 fee)

- The *Notice of lis pendens* is recorded on the land records, as in the past; and, (NEW) at the SAME time, the Plaintiff shall file a registration form with the Town Clerk entitled "Notice to Municipality: Registration of Residential Property Being Foreclosed."
- Initial registration is to be completed and filed by the Plaintiff at the time and place of the recording of the *Notice of lis pendens* on the land records.
- In a *Notice of lis pendens*, the Plaintiff gives notice of pending foreclosure against the property owner known as the Defendant. The Plaintiff (name is at the top) vs. the Defendant (name is below).
- Return the *Notice of lis pendens* as indicated on the document.
- Keep the registration form.
- A \$53.00 fee is collected for a registration or an updated registration filing.

Or

Registration **FORM 1** is filed when there is a change to the information in FORM 1. (No fee)

- Change in information is to be filed not later than 30 days following the change(s).
- No fee is collected for filing a change in information.

FORM 2

Registration **FORM 2** is filed by the person who becomes vested in a property through a foreclosure action. (\$53.00 fee)

- FORM 2 may be filed without a concurrent recording in the land records.
- Registration or updated registration is to be filed not later than 15 days after absolute title vests in such person.
- FORM 2 "registration" is filed by either (a) someone who was not the Plaintiff in the foreclosure action, or (b) a Plaintiff who commenced foreclosure action before October 1, 2011 (before FORM 1 was required).
- FORM 2 "updated registration" is filed by a Plaintiff who filed FORM 1 on or after October 1, 2011.
- A \$53.00 fee is collected for a registration or an updated registration filing.

Or

Registration **FORM 2** is filed when there is a change to the information in FORM 2. (No fee)

- FORM 2 may be filed without a concurrent recording in the land records.
- Change in information is to be filed not later than 30 days following the change(s).
- No fee is collected for filing a change in information.