



2024 Edition

# Enforcing Money Judgments

A Guide to Resources in the Law Library

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This guide links to advance release opinions on the Connecticut Judicial Branch website **and to case law hosted on Google Scholar and Harvard's Case Law Access Project.** The online versions are for informational purposes only.

References to online legal research databases refer to in-library use of these databases. Remote access is not available.

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# Introduction

## A Guide to Resources in the Law Library

- **"...[A] party obtaining a judgment for money damages in Connecticut has two means to enforce that judgment; it may seek an execution of the judgment or it may initiate an independent action. See General Statutes § 52-598(a); see also 30 Am. Jur. 2d 84, Executions and Enforcement of Judgments § 47 (2005) (distinguishing between execution and action on judgment)."** [Investment Associates v. Summit Associates, Inc.](#), 309 Conn. 840, 849, 74 A.3d 1192 (2013).
- **"Judgment creditor' means a person in whose favor a money judgment was rendered, or any person succeeding to such rights."** Conn. Gen. Stat. [§ 52-350a\(10\)](#) (2023).
- **"Judgment debtor' means a person against whom a money judgment was rendered."** Conn. Gen. Stat. [§ 52-350a\(11\)](#) (2023).
- **"Money judgment' means a judgment, order or decree of the court calling in whole or in part for the payment of a sum of money, other than a family support judgment. Money judgment includes any such money judgment of a small claims session of the Superior Court, any foreign money judgment filed with the Superior Court pursuant to the general statutes and in IV-D cases, overdue support in the amount of five hundred dollars or more accruing after the entry of an initial family support judgment."** Conn. Gen. Stat. [§ 52-350a\(13\)](#) (2023).
- **"Postjudgment procedure' means any procedure commenced after rendition of a money judgment, seeking or otherwise involving a discovery procedure, a placing of a lien on property, a modification or discharge of a lien, a property execution under section 52-356a, a turnover order, an installment payment order, a wage execution, a modification of a wage execution, a compliance order, a protective order or a determination of exemption rights."** Conn. Gen. Stat. [§ 52-350a\(15\)](#) (2023).
- **"Property' means any real or personal property in which the judgment debtor has an interest which he could assign or transfer, including (A) any present or future right or interest, whether or not vested or liquidated, (B) any debt, whether due or to become due, and (C) any cause of action which could be assigned or transferred."** Conn. Gen. Stat. [§ 52-350a\(16\)](#) (2023).
- **Enforcement: "A money judgment may be enforced against any property of the judgment debtor unless the property is exempt from application to the satisfaction of the judgment under section 52-352a, 52-352b, 52-352d or 52-361a or any other provision of the general statutes or federal law. The money judgment may be enforced, by execution or by foreclosure of a real property lien, to the amount of the money judgment with (1) all statutory costs and fees as provided by the general statutes, (2) interest as provided by chapter 673 on the money judgment and on the costs incurred in obtaining the judgment, and (3) any attorney's fees allowed pursuant to section 52-400c."** (Emphasis added.) Conn. Gen. Stat. [§ 52-350f](#) (2023).
- **"Permitting chapter 906 procedures in certain family support judgments as a way of ensuring compliance with support obligations is consistent with the public policy of this state."** [Kupersmith v. Kupersmith](#), 146 Conn. App. 79, 92, 78 A. 3d 860 (2013).

- [Federal Rules of Civil Procedure, Rule 69](#) (2022): “**(a) In General. (1) Money Judgment; Applicable Procedure.** A money judgment is enforced by a writ of execution, unless the court directs otherwise. The procedure on execution — and in proceedings supplementary to and in aid of judgment or execution — must accord with the procedure of the state where the court is located, but a federal statute governs to the extent it applies.”

# Section 1: Installment Payment Orders

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning installment payment orders.

## DEFINITIONS:

- **“Installment payment order”** means the fixing by the court of a sum to be paid periodically by the judgment debtor until satisfaction of a money judgment.” Conn. Gen. Stat. [§ 52-350a\(9\)](#) (2023).
- “When a judgment is rendered against a natural person, the judgment creditor or judgment debtor may move the court for an order for installment payments in accordance with a money judgment. After hearing and consideration of the judgment debtor’s financial circumstances, the court may order installment payments reasonably calculated to facilitate payment of the judgment.” Conn. Gen. Stat. [§ 52-356d\(a\)](#) (2023).
- “In the case of a consumer judgment, the court may provide that compliance with the installment payment order, other than with an order for nominal payments pursuant to subsection (c) of this section, shall stay any property execution or foreclosure pursuant to that judgment, provided such a stay is reasonable considering the nature of the debt and the financial circumstances of the judgment debtor. In the case of a judgment arising out of services provided at a hospital, the court shall provide that compliance with the installment payment order shall stay any property execution or foreclosure pursuant to that judgment, including, but not limited to, execution on wages, execution on bank accounts, and execution on or foreclosure of real property.” Conn. Gen. Stat. [§ 52-356d\(b\)](#) (2023).
- “An installment payment order shall not be enforced by contempt proceedings, but on the judgment debtor’s default on payments thereon, the judgment creditor may apply for a wage execution pursuant to section 52-361a.” Conn. Gen. Stat. [§ 52-356d\(d\)](#) (2023).
- “If a judgment debtor fails to comply with an installment payment order, the judgment creditor may apply to the court for a wage execution. The application shall contain the judgment creditor’s or the judgment creditor’s attorney’s statement setting forth the particulars of the installment payment order and of the judgment debtor’s failure to **comply.**” Conn. Gen. Stat. [§ 52-361a\(a\)](#) (2023) ([2024 supplement](#)).

## SEE ALSO:

- [Section 2: Wage Executions](#)
- [Table 2: Exempt Property](#)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)  
[Chapter 673 - Interest](#)
  - Sec. 37-1. Legal rate. Accrual as addition to debt.
  - Sec. 37-1a. Payment of interest on commercial loans in excess of ten thousand dollars.
  - Sec. 37-2. No recovery after payment.
  - Sec. 37-3. Rate recoverable as damages.
  - Sec. 37-3a. Rate recoverable as damages. Rate on debt arising out of hospital services.
  - Sec. 37-3b. Rate of interest recoverable in negligence actions.
  - Sec. 37-3c. Rate of interest recoverable in condemnation cases.
  - Sec. 37-4. Loans at greater rate than twelve per cent prohibited.
  - Sec. 37-5. Notes not to be accepted for greater amounts than loaned.
  - Sec. 37-6. Certain expenses not to be charged to the borrower.
  - Sec. 37-7. Penalty.
  - Sec. 37-8. Actions not to be brought on prohibited loans.
  - Sec. 37-9. Loans to which prohibitions do not apply.

## [Chapter 906 – Postjudgment Procedures](#)

- § 52-350a. Definitions.
- § 52-350b. Applicability.
- § 52-350c. Rules of court. Forms.
- § 52-350d. Jurisdiction of Superior Court.
- § 52-350e. Service of process.
- § 52-356d. Installment payment order.
- § 52-361a. Execution on wages after judgment. ([2024 supplement](#))

## LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Forms you may need to collect on a civil judgment](#) (Connecticut Judicial Branch Civil Forms)
  - [JD-CV-3](#) – Wage Execution Proceedings Application, Order, Execution
  - [JD-CV-3a](#) – Exemption And Modification Claim Form, Wage Execution
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - 17-012 – Motion For Installment Payments
  - 17-013 – Affidavit of Lost Wage Execution
  - 17-015 – Motion to Modify Wage Execution

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Unifund CCR Partners v. Schaeppi](#), 140 Conn. App. 281, 288, 59 A. 3d 282 (2013). “The statutory language indicates that an installment payment order is an order by the court that may be entered *after* a money judgment is entered. The statutory language does not indicate that an installment payment order may function as a substitute for a money judgment. See [Ballou v. Law Offices Howard Lee Schiff, P.C.](#), 304 Conn. 348, 358, 39 A.3d 1075 (2012) (‘[e]ach of these terms [installment payment order and money judgment] has a distinct meaning for purposes of the relevant statutory scheme’).

The plaintiff further contends that when the court entered the installment payment order, this action somehow remedied the defect in the underlying judgment. While the entering of an installment payment order without a basis in a valid judgment may have implications with respect to the validity of the subsequent installment payment order, it does not, conversely, validate an invalid judgment. Not only is this logically untenable, there is no legal authority for the proposition that the entering of an installment payment order **corrects an underlying defective judgment.**”

- [Ballou v. Law Offices Howard Lee Schiff, PC](#), 304 Conn. 348, 350, 39 A.3d 1075 (2012). “The dispositive issue in this case, which comes to us upon our acceptance of two certified questions from the United States District Court for the District of Connecticut pursuant to General Statutes § 51-199b (d), is whether General Statutes § 52-356d (e) provides for the automatic accrual of postjudgment interest on all judgments in which an installment payment order has been entered by the court. We answer that question in the negative.”

“The statutory language at issue in the present case is set forth in General Statutes § 52-356d (e), which provides that ‘[i]nterest on a money judgment shall continue to accrue under any installment payment order on such portion of the judgment as remains unpaid.’ In addition, § 37-3a (a) provides that a court may, in its discretion, award interest of up to 10 percent on a debt that has been reduced to a judgment but which remains unpaid. See footnote 4 of this opinion. The plaintiff maintains that there is nothing in § 52-356d to indicate that interest automatically accrues on a debt

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that is owed on a money judgment for which the court has entered an installment payment order. In the plaintiff's view, § 52-356d (e) merely provides that postjudgment interest that already has been awarded on a money judgment in accordance with § 37-3a *continues* to accrue on any unpaid portion of the judgment *after* the court has entered an installment payment order pursuant to § 52-356d (a). The defendant asserts that § 52-356d (e) impliedly provides for the automatic accrual of postjudgment interest on the unpaid portion of a judgment when installment payments have been ordered by the court. According to the defendant, § 52-356d (e), in providing for the *continued* accrual of post-judgment interest until the debt has been paid, necessarily also requires, as a threshold matter, that such interest shall accrue in all cases in which the court has entered an installment payment order. In other words, under the defendant's interpretation of § 52-356d (e), the legislature, in mandating that interest on a money judgment 'shall continue to accrue' under an installment payment order, 'merely [was] emphas[izing] that postjudgment interest accrues until the payment of the judgment amount.' We agree with the plaintiff's construction of § 52-356d (e)." (p. 353)

- [Discover Bank v. Mayer](#), 127 Conn. App. 813, 816, 17 A.3d 80 (2011). "It is apparent, therefore, that the interest referred to in § 52-356d (e) is derived from an award of interest pursuant to § 37-3a. This court previously has **determined that 'an award of postjudgment interest is authorized by § 37-3a';** [Urich v. Fish](#), supra, 112 Conn. App. 843; **and '[a] decision to deny or grant postjudgment interest is primarily an equitable determination and a matter lying within the discretion of the trial court.'** (Internal quotation marks omitted.) [TDS Painting & Restoration, Inc. v. Copper Beech Farm, Inc.](#), 73 Conn. App. 492, 511, 808 A.2d 726, cert. denied, 262 Conn. 925, 814 A.2d 379 (2002). Contrary to the plaintiff's contention, this exercise of discretion is not, in any way, circumscribed in cases where installment payments have been ordered by the court. The plain language of § 52-356d (e), as well as its relationship with other statutes, makes clear that a judgment creditor may request postjudgment interest to accrue on a money judgment pursuant to § 37-3a, and that such interest, if awarded, shall continue to accrue on the unpaid portion of a money judgment in cases where installment payments have been ordered by the court. Accordingly, because the award of postjudgment interest is discretionary, and the plaintiff does not claim that the court's denial of its request for postjudgment interest constituted an abuse of discretion, we **affirm the judgment of the trial court."**
- [Lienfactors, LLC v. Crandall](#), Superior Court, Judicial District of New London at New London, No. CV 07 5002929 (2008 WL 4635876) (2008 Conn. Super. LEXIS 2507) (Oct. 2, 2008). "In the present case, **Nazzaro, the winning party in the underlying action, *Nazzaro v. Crandall*, supra**, Superior Court, Docket No. CV 06 5001717, chose to secure the judgment by

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moving the court for an order for **'reasonable'** installment payments. (Plaintiff's exhibit B.) The plaintiffs claim that the order was for nominal payments is not supported by the **plaintiff's own evidence. The 'motion for order'** form contains two boxes defining the payment request: one box is labeled Nominal, the other is labeled Reasonable. (Plaintiff's Exhibit B.) On the form submitted by Nazzaro in *Nazzaro v. Crandall, id.*, the box labeled Reasonable was marked, the box labeled Nominal was left unmarked. Therefore, Nazzaro, the plaintiff's predecessor in interest, moved the court for an order of reasonable installment payments. It is undisputed that the defendant has been complying with that order by making weekly payments. Therefore, the defendant is not in default on the judgment lien and the judgment cannot be considered unpaid. Moreover, if the plaintiff found the amount of weekly installment payments unreasonable, it should have filed a motion to modify the order pursuant to General Statutes § 52-356d(f) instead of collaterally attacking the court's order..."

- [Bergen v. Belfonti](#), 47 Conn. Supp. 291, 295, 791 A.2d 723 (2000). "Under the plain language of the statute, the two criteria that are to **be evaluated are the 'judgment debtor's financial circumstances'** and 'installment payments reasonably calculated to facilitate payment of the **judgment.'**" General Statutes § 52-356d (a). Although, as the parties have indicated to the court, there are few appellate cases that pertain to that statute, this court finds guidance in the ruling of [Hartford Postal Employees Credit Union, Inc. v. Rosemond](#), 33 Conn. App. 395, 398-99, 635 A.2d 876 (1994). 'The statutory scheme of postjudgment remedies . . . balances the equities between judgment creditors and judgment debtors. . . . This equitable balance ensures satisfaction of the judgment while permitting the debtor to use residual earnings for the support of himself and his family or for any other proper purpose.' (Citations omitted; internal quotation marks omitted.) Id.

The defendant's position is that under § 52-356d, the court is limited to utilizing a salary of \$52,000 in considering his **'financial circumstances.'** **The court finds, however, that this is not appropriate in view of the credible evidence presented."**

- [Shanks v. Shanks](#), Superior Court, Judicial District of Danbury, No. 32 64 58 (Oct. 23, 1997) (20 Conn. L. Rptr. 530) (1997 WL 684911) (1997 Conn. Super. LEXIS 2834). **"Under Connecticut practice, an order for installment payments (weekly payments) must be obtained as a prerequisite to the issuance of a wage execution. If an installment payment order is established and the defendant fails to comply, then the plaintiff may well be entitled to a wage execution in accordance with Sec. 52-361a of the General Statutes."**
- [Mahon v. Moorman](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. CV 95 0329017 (Feb. 28, 1997)

(18 Conn. L. Rptr. 643, 644) (1997 WL 120393) (1997 Conn. Super. LEXIS 540). "The defendant contends that the plaintiff has failed to comply with any of the methods of service permitted under § 52-350e. Thus, the defendant asserts that the court lacked personal jurisdiction over the defendant to enter the installment payment order because the plaintiff failed to comply with the service requirements of § 52-350e. Hence, the defendant argues that the installment payment order should be vacated."

WEST KEY  
NUMBERS:

- **Creditors' Remedies**
  - X. Particular Remedies—Remedies against Debtor's Earnings, Wages, and Other Income, k1041-1080
  - Income and earnings which creditors may reach, k1052-1058
- Judgment
  - XIX. Suspension, Enforcement, and Revival
  - k851-k872

TEXTS &  
TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 18 – Enforcement of Judgments.
  - Sec. 210 – Execution on Wages After Judgment.
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 25 Enforcing Court Judgments—Executions
  - § 25:10 Wage execution--Commentary
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
  - Chapter 5, Debt Collection, by Jeanine M. Dumont.
- *Connecticut Torts: The Law and Practice*, 2d ed., by Frederic S. Ury et al., LexisNexis, 2023 (Also available on Lexis).
  - § 3.03. Recovering Prejudgment and Postjudgment Interest
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - Chapter 17: Commentary — Postjudgment Procedures
  - 17-012. Motion for Installment Payments
- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
  - VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
  - E. Remedies Available
    - o § 552. Exemptions from turnover.
    - o § 553. Order for payment of judgment in installments.

PAMPHLETS:

- [Small Claims Court](#) (CTLawHelp.Org)

- [Wage Attachments: Find out what you can do if money is being taken from your wages to pay debts.](#) (CTLawHelp.Org)
- James R. Fogarty, *Postjudgment Interest in Civil Actions in Connecticut*, 92 Connecticut Bar Journal 299 (2020).

LAW REVIEWS:

Public access to law review databases is available on-site at each of our [law libraries](#).

Table 1: Recent Postjudgment Interest Case Law Discussing Conn. Gen. Stats. §§ 37-1, 37-3a, and 37-3b

<p><a href="#"><u>Digital 60 &amp; 80 Merritt, LLC v. Bd. of Assessment Appeals of Town of Trumbull</u></a>, Superior Court, Judicial District of New Britain at New Britain, No. HHBCV146025041S (Aug. 3, 2021) (71 Conn. L. Rptr. 288, 289) (2021 WL 3728301) (2021 Conn. Super. LEXIS 1246).</p>	<p>"The plaintiff's reply brief argues that this case should instead be controlled by <a href="#"><u>Georges v. OB-GYN Services, PC</u></a>, 335 Conn. 669, 685-86, 240 A.3d 249 (2020). In that case, our Supreme Court held that courts have authority to award postjudgment interest under § 37-3b more than four months after judgment. In this court's view, however, the holding in <i>Georges</i> depends on the nature of the remedy offered by § 37-3b, which 'leaves trial courts with no discretion in determining whether to award such interest ... A claim for interest under § 37-3b also does not require, or permit, the trial court to reconsider the merits of the case because such interest is not an element of the plaintiff's damages in the underlying action.' <i>Id.</i>, 685. Interest awarded under that statute is thus quite unlike interest awarded under § 37-3a, which our courts have repeatedly emphasized is discretionary and involves a determination of whether 'an award is appropriate to compensate the plaintiff for the loss of the use of his or her money' and hence does permit the court to consider the underlying case. As the court noted in <a href="#"><u>DiLieto v. County Obstetrics &amp; Gynecology Group, P.C.</u></a>, <i>supra</i>, 310 Conn. 55 such a decision requires a 'consideration of the equities,' an analysis in which this court previously engaged when it rejected the plaintiff's request in its trial brief for discretionary postjudgment interest under § 12-117a. The differences between § 37-3a and § 37-3b suggest that the <i>Georges</i> analysis does not apply to cases under the former statute.</p>
<p><a href="#"><u>U.S. Equities Corp. v. Ceraldi</u></a>, 186 Conn. App. 610, 615, 200 A.3d 747 (2018).</p>	<p>"Assigning or adding, postjudgment, a rate of postjudgment interest on a debt collection judgment constitutes a substantive modification of that judgment. See <a href="#"><u>Cliff's Auto Body, Inc. v. Grenier</u></a>, 179 Conn. App. 820, 827, 181 A.3d 138 (2018). The plaintiff argues, however, that <i>Cliff's Auto Body, Inc.</i>, is not applicable to the present case because postjudgment interest was awarded by the court in the May 31, 2011 judgment. The court, however, did not set forth in the judgment the rate of postjudgment interest which, pursuant to § 37-3a, could have been 10 percent or some lower rate per year, and that omission precluded both the plaintiff and the defendant from knowing what postjudgment interest rate was to be applied. The court, approximately seven years after the judgment was rendered, for the first time set forth the rate of postjudgment interest it had intended to award. The court's order granting the motion for clarification, therefore, constituted an improper substantive modification of the judgment."</p>
<p><a href="#"><u>Cliff's Auto Body, Inc. v. Grenier</u></a>, 179 Conn.</p>	<p>"In the present case, Judge Riley fixed the rate of prejudgment interest and added postjudgment interest to the debt collection judgment more than fifteen months after the</p>

<p>App. 820, 827, 181 A.3d 138 (2018).</p>	<p>judgment was rendered. The defendant claims that assigning the rate of interest on the debt collection judgment constituted a substantive change in the judgment. We agree; adding an award of postjudgment interest to a damages award is a substantive modification of the judgment. <i>Id.</i>, 707, citing <a href="#">Goldreyer v. Cronan</a>, 76 Conn. 113, 117, 55 A. 594 (1903). Because the plaintiff did not seek to have the debt collection judgment opened to determine the rate of prejudgment interest within four months of December 30, 2008, when the judgment was rendered, the court lacked the power to determine the rate of prejudgment interest and to add postjudgment interest in April, 2010.”</p>
<p><a href="#">DiLieto v. County Obstetrics &amp; Gynecology Group, P.C.</a>, 316 Conn. 790, 795, 114 A.3d 1181 (2015).</p>	<p>“<b>General Statutes § 37-3a...governs interest awards in certain civil actions not involving negligence.</b>”</p>
<p><a href="#">Sikorsky Financial Credit Union, Inc. v. Butts</a>, 315 Conn. 433, 439, 108 A.3d 228 (2015).</p>	<p>“We begin our analysis with a review of the interest statutes at issue in this appeal and their respective functions. Sections 37-1 and 37-3a both relate to interest, but they serve markedly different purposes. They reflect our law’s long-standing recognition of two distinct types of interest: (1) interest, usually by agreement, as compensation for a loan (interest eo nomine); and (2) interest as damages for the detention of money.”</p>
<p><a href="#">DiLieto v. County Obstetrics &amp; Gynecology Group, P.C.</a>, 310 Conn. 38, 48, 74 A.3d 1212 (2013).</p>	<p>“In addition, the legislature amended § 37-3b in 1997 by <b>replacing the word ‘may’ with ‘shall,’ thereby evidencing an intent that postjudgment interest not exceeding 10 percent is mandatory for actions governed by the [negligence] statute as amended.</b>”</p>
<p><a href="#">DiLieto v. County Obstetrics &amp; Gynecology Group, P.C.</a>, 310 Conn. 38, 55, 74 A.3d 1212 (2013).</p>	<p>“As we have indicated, regardless of whether a statute provides for mandatory or discretionary postjudgment interest, the policy behind any such provision is to <b>compensate the successful party for ‘the loss of the use of the money that he or she is awarded from the time of the award until the award is paid in full.’</b>”</p>
<p><a href="#">Ballou v. Law Offices Howard Lee Schiff, PC</a>, 304 Conn. 348, 350, 39 A.3d 1075 (2012).</p>	<p>“<b>The dispositive issue in this case...is whether General Statutes § 52-356d (e) provides for the automatic accrual of postjudgment interest on all judgments in which an installment payment order has been entered by the court. We answer that question in the negative.</b>”</p>

<p><a href="#">Discover Bank v. Mayer</a>, 127 Conn. App. 813, 816, 17 A.3d 80 (2011).</p>	<p>“It is apparent, therefore, that the interest referred to in § 52-356d (e) is derived from an award of interest pursuant to § 37-3a. This court previously has <b>determined that ‘an award of postjudgment interest is authorized by § 37-3a’</b>; <a href="#">Urich v. Fish</a>, <i>supra</i>, 112 Conn. App. 843; and ‘[a] decision to deny or grant postjudgment interest is primarily an equitable determination and a matter lying within the <b>discretion of the trial court.</b>’” (Internal quotation marks omitted.)</p>
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## Section 2: Wage Executions

A Guide to Resources in the Law Library

- SCOPE:
- Bibliographic resources concerning wage executions.
- TREATED ELSEWHERE:
- [Enforcement of Child Support Orders](#) (Section 4 – Child Support Research Guide)
  - [Motion for Contempt in Family Matters](#)
  - [Foreign Matrimonial, Custody, and Support Judgments in Connecticut](#)
- DEFINITIONS:
- **“Disposable earnings’ means that part of the earnings of an individual remaining after the deduction from those earnings of amounts required to be withheld for payment of federal income and employment taxes, normal retirement contributions, union dues and initiation fees, group life insurance premiums, health insurance premiums, and federal tax levies.”** Conn. Gen. Stat. [§ 52-350a\(4\)](#) (2023).
  - **“Earnings’ means any debt accruing by reason of personal services, including any compensation payable by an employer to an employee for such personal services, whether denominated as wages, salary, commission, bonus or otherwise.”** Conn. Gen. Stat. [§ 52-350a\(5\)](#) (2023).
  - **“The term ‘earnings’ means compensation paid or payable for personal services, whether denominated as wages, salary, commission, bonus, or otherwise, and includes periodic payments pursuant to a pension or retirement program.”** [15 U.S. Code § 1672 \(a\)](#) (2024)
  - **“An installment payment order shall not be enforced by contempt proceedings, but on the judgment debtor’s default on payments thereon, the judgment creditor may apply for a wage execution pursuant to section 52-361a.”** Conn. Gen. Stat. [§ 52-356d\(d\)](#) (2023).
  - **“Application. If a judgment debtor fails to comply with an installment payment order, the judgment creditor may apply to the court for a wage execution. The application shall contain the judgment creditor’s or the judgment creditor’s attorney’s statement setting forth the particulars of the installment payment order and of the judgment debtor’s failure to comply. The application shall be accompanied by a fee of one hundred five dollars payable to the clerk of the court for the administrative costs of complying with the provisions of this section which fee may be recoverable by the judgment creditor as a taxable cost of the action.”** Conn. Gen. Stat. [§ 52-361a\(a\)](#) (2023) ([2024 supplement](#)).
  - Amount subject to levy. **“The maximum part of the aggregate weekly earnings of an individual which may be subject under this section to levy or other withholding for payment of a judgment is the lesser of (1) twenty-five per**

cent of his disposable earnings for that week, or (2) the amount by which his disposable earnings for that week exceed forty times the higher of (A) the minimum hourly wage prescribed by Section 6(a)(1) of the Fair Labor Standards Act of 1938, USC Title 29, Section 206(a)(1), or (B) the full minimum fair wage established by subsection (i) of section 31-58, in effect at the time the earnings are payable. Unless the court provides otherwise pursuant to a motion for modification, the execution and levy shall be for the maximum earnings subject to levy and shall not be limited by the amount of the installment payment order. Only one execution under this section shall be satisfied at one time. Priority of executions under this section shall be determined by the order of their presentation to the employer.” Conn. Gen. Stat. § [52-361a\(f\)](#) (2023). ([2024 supplement](#))

- “Prejudgment remedy” means any remedy or combination of remedies that enables a person by way of attachment, foreign attachment, garnishment or replevin to deprive the defendant in a civil action of, or affect the use, possession or enjoyment by such defendant of, his property prior to final judgment but shall not include a temporary restraining order. Conn. Gen. Stat. [§ 52-278a](#) (2023)
- “Notwithstanding any provision of the general statutes to the contrary, no prejudgment remedy shall be available to a person in any action at law or equity (1) unless he has complied with the provisions of sections 52-278a to 52-278g, inclusive, except an action upon a commercial transaction wherein the defendant has executed a waiver as provided in section 52-278f, or (2) for the garnishment of earnings as defined in subdivision (5) of section 52-350a.” Conn. Gen. Stat. [§ 52-278b](#) (2023). (Emphasis added.)
- “Because wages that a judgment debtor has deposited into a bank account do not constitute a debt payable by the employer, they do not come within this definition, and § 52-361a does not apply to them.” [Cadle Co. v. Fletcher](#), 324 Conn. 228, 235, 151 A.3d 1262 (2016). (Emphasis added.)

SEE ALSO:

- [Section 1: Installment Payment Orders](#)
- [Table 2: Exempt Property](#)

TIPS:

- The *Connecticut Lawyers’ Deskbook* (3rd ed., 2008) is a useful place to start for practical advice on the procedures concerning collecting money judgments. The *Deskbook* also lists common pitfalls one may encounter in the process.
- The instructions along with the statutes and rules listed on the [official postjudgment forms](#) provide useful starting points for research.

STATUTES:

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- § 52-350a. Definitions.
- § 52-356d. Installment payment order.
- § 52-361a. Execution on wages after judgment. ([2024 supplement](#))
- § 52-361b. Notification of judgment debtor's rights. Claim for exemption or modification.
- § 52-367b. Execution against debts due from financial institution. Natural person as judgment debtor. ([2024 supplement](#))
- § 52-367c. Execution against lottery and pari-mutuel winnings.
- § 52-400a. Protective order by court. Execution against specified property.
- § 52-400b. Penalty for failure to comply with certain court orders.
- § 52-400c. Attorney's fees.
- § 52-400d. Appeal of certain court decisions.

PUBLIC ACTS:

- [Public Act No. 23-23](#). An Act Concerning Service of Bank Executions, Wage Executions and Tax Warrants By State Marshals and Authorized Service Of Process By Indifferent Persons.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Forms you may need to collect on a Civil Judgment](#) (Connecticut Judicial Branch Civil Forms)
- [JD-CV-3](#). Wage Execution Proceedings Application, Order, Execution
- [JD-CV3A](#). Exemption and Modification Claim Form, Wage Execution
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - 17-013 - Affidavit Re Lost Wage Execution
  - 17-015 - Motion to Modify Wage Execution

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Cadle Co. v. Fletcher](#), 324 Conn. 228, 235, 151 A.3d 1262 (2016). “Finally, we note that case law from other jurisdictions supports our conclusions that § 52-361a is the only statute that specifically exempts earnings from execution, that § 52-367b (a) does not extend this exemption to wages that have been disbursed to the debtor, that no other statute specifically exempts wages from execution, and that this interpretation does not undermine public policy.”
- [Chase Bank v. Arborio](#), Superior Court, Judicial District of New Britain at New Britain, No. CV 10-6005850 (April 7, 2011) (51 Conn. L. Rptr. 722) (2011 WL 1734448) (2011 Conn. Super. LEXIS 875). **“To be sure, a wage execution is one remedy that a plaintiff may elect. And an installment payment order is a prerequisite to the issuance of a wage execution. See Conn. Gen. Stat. § 52-361a(a). But nowhere in the installment payment statute—Conn. Gen. Stat. § 52-356d—or in the wage execution statute is there support for the proposition that a wage execution is the plaintiff’s exclusive remedy.**

Indeed elsewhere in the installment payment statute there is language that leads to the opposite conclusion. Conn. Gen. Stat. § 52-356d(b) provides that in the case of a consumer judgment (such as the judgment here, arising out of a credit card debt), **‘a court may provide that compliance with the installment payment order ... shall stay any property execution or foreclosure pursuant to that judgment ...’** There would be no need to add such language authorizing the court to impose a stay of further kinds of post-judgment collection efforts if the plaintiff were not entitled to use these other **post-judgment remedies in the first place.”**

- [The Cadle Company v. Sydorowycz](#), Judicial District of Hartford at Hartford, No. CV 00-0597714 (Jun. 5, 2001) (30 Conn. L. Rptr. 202) (2001 WL 1336375) (2001 Conn. Super. LEXIS 1581). **“[T]he proper method of obtaining a wage execution is by post-judgment application to the court, not by directly bringing an action against the judgment debtor’s employer. The employer need only be served with the wage execution once issued, not sued, and, as such, is not a necessary party to any application. See General Statutes § 52-361a(d);”**
- [Shanks v. Shanks](#), Superior Court, Judicial District of Danbury at Danbury, No. 326458 (Oct. 23, 1997) (20 Conn. L. Rptr. 530) (1997 WL 684911) (1997 Conn. Super. LEXIS 2834). **“Under Connecticut practice, an order for installment payments (weekly payments) must be obtained as a prerequisite to the issuance of a wage execution. If an installment payment order is established and the defendant fails to comply, then the plaintiff may well be entitled to a wage execution in accordance with Sec. 52-361a of the General Statutes.”**

- [Board of Education v. Booth](#), 232 Conn. 216, 223, 654 A.2d 717 (1995) “Therefore, the plaintiff’s claim that the legislature intended to limit the scope of the term “earnings” to include only wages finds no support in the legislative history of § 52-278b.

We conclude, therefore, that the trial court properly denied the plaintiff’s application for a prejudgment garnishment.”

- [Hartford Postal Employees Cr. Union v. Rosemond](#), 33 Conn. App. 395, 635 A.2d 876 (1994). “We hold that the trial court cannot vacate a wage execution on a motion to modify. The statutory scheme of postjudgment remedies set forth in chapter 906 of the General Statutes balances the equities between judgment creditors and judgment debtors.” (p. 398)

...  
 “Issuing a wage execution, however, is not discretionary, it is mandatory. General Statutes § 52-361a (b). Including the power to vacate within the power to modify would defeat the mandatory nature of § 52-361a (b). Therefore, we hold that the power to modify pursuant to § 52-361a (h) does not include the power to vacate.” (p. 401)

- [General Tires, Inc. v. United Aircraft Corporation](#), 143 Conn. 191, 195, 120 A.2d 426 (1956) “...the provision of the statute that only one execution against wages is to be satisfied at a time is unequivocal and not subject to modification by interpretation...”

WEST KEY  
NUMBERS:

- **Creditors’ Remedies**  
 VIII. Particular Remedies—Supplementary Proceedings and Similar Remedies in Aid of Execution  
     (A) In General, k931-k950  
     (B) Course and Conduct of Proceedings, k951-k970  
 X. Particular Remedies—**Remedies against Debtor’s Earnings, Wages, and Other Income**, k1041-1080
- Judgment  
 XIX. Suspension, Enforcement, and Revival  
     k851-k872

TEXTS &  
TREATISES:

- 2 *Stephenson’s Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 18 – Enforcement of Judgments.  
 Sec. 210 – Execution on Wages After Judgment.
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
 Chapter 25 Enforcing Court Judgments—Executions
  - § 25: 10 Wage execution--Commentary
- *Connecticut Lawyer’s Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
  - Chapter 5, Debt Collection, by Jeanine M. Dumont.

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 1 *Labor and Employment in Connecticut: A Guide to Employment Laws, Regulations and Practices*, 2nd ed., by Jeffrey L. Hirsch, Matthew Bender, 2000, with 2023 supplement.  
Section 2-10 – Garnishments
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
Chapter 17: Commentary — Postjudgment Procedures  
17-010. Wage Execution—Application, Order, Execution  
17-011. Wage Execution—Exemption and Modification Claim Forms  
17-015. Motion to Modify Wage Execution
- *Connecticut Employment Law*, 6th ed., by Pamela J. Moore, Connecticut Law Tribune, 2022.  
Section 8-2: 8.5 - Wage Executions

#### ENCYCLOPEDIAS:

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 30 *Am Jur 2d Executions and Enforcement of Judgments*, Thomson West, 2017 (Also available on Westlaw).  
VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies  
B. Property Subject to Proceedings  
§ 478. Earnings or wages.  
§ 479. What constitutes earnings or wages.  
§ 480. Future earnings.  
§ 485. Pension or retirement funds.  
§ 487. Other items and interests.  
D. Procedural Matters  
§ 515. **Debtor's special interest in wages and bank accounts.**  
E. Remedies Available  
§ 552. Exemptions from turnover.  
§ 553. Order for payment of judgment in installments.

#### PAMPHLETS:

- [Wage Attachments: Is money is being taken from your wages to pay a debt?](#) (CTLawHelp.Org)
- [How do I collect money if I win my case?](#) (Connecticut Judicial Branch Small Claims FAQ) [See: Question 24]
- [How Small Claims Court Works - Section 6: Collecting the Judgment](#) (Connecticut Judicial Branch)

#### ATTORNEY GENERAL'S OP.

- [Attorney General's Opinion, Formal Opinion 2002-005 \(2/1/02\)](#)  
"You requested our opinion 'concerning the determination of how much of an individual's disposable income may be taken to satisfy a tax warrant when the individual also is subject to a dependent support order.' Your question arises from an inquiry of an employer whose employee is subject to a support order that 'meets or exceeds 25% of that individual's

disposable income.' Our review is confined to these facts. We conclude that the support order must be satisfied first and that disposable income remaining above the earnings exemption set forth in Conn. Gen. Stat. § 52-362 would be available to satisfy a tax warrant issued under Conn. Gen. Stat. § 12-35."

# Section 3: Bank Executions

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning bank executions.

## DEFINITIONS:

- “Financial institution’ means a financial institution as defined in section 36a-41.” Conn. Gen. Stat. [§ 52-350a\(8\)](#) (2023).
- “Financial institution’ means a bank, Connecticut credit union, federal credit union, an out-of-state bank that maintains a branch in this state and an out-of-state credit union that maintains an office in this state.” Conn. Gen. Stat. [§ 36a-41\(1\)](#) (2023).
- “Because wages that a judgment debtor has deposited into a bank account do not constitute a debt payable by the employer, they do not come within this definition, and § 52-361a does not apply to them.” [Cadle Co. v. Fletcher](#), 324 Conn. 228, 235, 151 A.3d 1262 (2016). (Emphasis added.)

## SEE ALSO:

- [Table 2: Exempt Property](#)

## TIPS:

- The *Connecticut Lawyers’ Deskbook* (3rd ed., 2008) is a useful place to start for practical advice on the procedures concerning collecting money judgments. The *Deskbook* also lists common pitfalls one may encounter in the process.
- The instructions along with the statutes and rules listed on the [official postjudgment forms](#) provide useful starting points for research.

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-356b. Court order for transfer of specified property or evidence. (*turnover order*)
  - § 52-356c. Determination of interests in disputed property.
  - § 52-367a. Execution against debts due from financial institution. Judgment debtor other than natural person. ([2024 supplement](#))
  - § 52-367b. Execution against debts due from financial institution. Natural person as judgment debtor. ([2024 supplement](#))
- [Title 42a - Article 4 - Bank Deposits and Collections 42a-4-303](#). When items subject to notice, stop-payment order, legal process or set-off. Order in which items may be charged or certified.

## LEGISLATIVE:

- *Freezing Bank Accounts*, Susan Price-Livingston, Connecticut General Assembly, Office of Legislative Research Report [2002-R-0510](#) (May 28, 2002).

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

#### COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- [Connecticut Practice Book](#) (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

#### FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Forms you may need to collect on a Civil Judgment](#) (Connecticut Judicial Branch Civil Forms)
- [JD-CV-24](#). Financial Institution Execution Proceedings Judgment Debtor Who is an Individual, Application and Execution (Rev. 10-23).
- [JD-CV-24A](#) – Exemption Claim Form, Financial Institution Execution (Rev. 10-21)
- [JD-CV-24N](#). Financial Institution Execution Proceedings Judgment Debtor Who is Not an Individual, Application and Execution (Rev. 10-23).
- See also: [Figure 1](#) — Application for Turnover Order in Aid of Execution
- See also: 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 25 Enforcing Court Judgments—Executions
  - § 25:12 Application for order in aid of execution

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Clark v. Quantitative Strategies Group, LLC](#), 224 Conn. App. 224, \_\_\_ A.3d \_\_\_ (2024). **“More fundamentally, only a judgment creditor or a third person may make a claim for determination of interests pursuant to § 52-356c(a). Judgment debtors, unless acting in a representative capacity for an appropriate third party with an alleged interest in the subject property, may not file a claim for a determination of interests under § 52-356c. See [Simko v. LaMorte](#), 222 Conn. 793, 798, 610 A.2d 663 (1992) (‘although generally the judgment debtor is not a party to the hearing [pursuant to § 52-356c]. . . in the present case, the defendant, as trustee for third parties with deposits in the account, may request a hearing pursuant to §52-356c, on behalf of those third**

parties' (citation omitted)). Consequently, and because the defendant in this case lacked any legal capacity to act on his **mother's behalf, he was not authorized by statute to challenge TD Bank's determination that he was a co-owner** of the accounts by pursuing a claim for determination of interests pursuant to § 52-256c."

- Cavalry SPV I, LLC v. Duffield, Superior Court, Judicial District of New Britain at New Britain, No. CV 12-6016167 (August 14, 2017) (65 Conn. L. Rptr. 1) (2017 WL 4273371) (2017 Conn. Super. LEXIS 4201). "It cannot be the law that exempt property is transformed into nonexempt property by the passage of fifteen days without the owner's filing an exemption claim form. The language of § 52-367b **demonstrates that such is not the case.**"
- Cadle Co. v. Fletcher, 324 Conn. 228, 243, 151 A.3d 1262 (2016). "Finally, we note that case law from other jurisdictions supports our conclusions that § 52-361a is the only statute that specifically exempts earnings from execution, that § 52-367b (a) does not extend this exemption to wages that have been disbursed to the debtor, that no other statute specifically exempts wages from execution, and that this interpretation does not undermine public policy."
- Fields v. Michaud Development, Superior Court, Judicial District of Waterbury at Waterbury, No. CV156027798 (March 8, 2016) (2016 WL 1315107) (2016 Conn. Super. LEXIS 511). "The court concludes that the language of § 52-367b presumes a valid debt to which exemptions may be applied. Where an underlying debt does not exist or has been invalidated, as determined by the court in the quiet title action, there should be no levy or execution permitted. Therefore, the court orders the release of all funds to the Fields, executed upon by the City in this matter."
- Connecticut Light & Power v. Spencer, Superior Court, Judicial District of New Haven at New Haven, No. CV116004029S (Dec. 6 2012) (55 Conn. L. Rptr. 130) (2012 WL 6743584) (2012 Conn. Super. LEXIS 2948). "**The** defendant who appeared before this court on December 3, 2012, and represented herself, claims that the monies taken were her social security benefits, which are her sole source of revenues. CL & P does not contest that the funds were social security benefits, and this court has no doubt that these were social security funds.

CL & P, however, objects on the grounds that the defendant was required by Connecticut General Statutes §§ 52-367b(e) and (h) to file her claim for exemption and have it received by the bank within fifteen (15) days from the date of the **mailing of 'Notice to the Judgment Debtor' and, because this** was not done, the defendant cannot make any further claim for the funds. Essentially, CL & P argues that the fifteen-day periods set forth in the statutes are mandatory and any claimant who fails to follow its strictures is foreclosed from

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

making further claims. This court disagrees.”

- [Schoonmaker George & Colin, P.C. v. Siriwardene](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. FST CV 09 5010883 S (Aug. 24, 2009) (48 Conn. L. Rptr. 222) (2009 WL 3086381) (2009 Conn. Super. LEXIS 2399). **“The fact situation in this case is not the subject of a wage execution. It is claimed that the money in that account was produced by wages. Under our law, wages put in a checking account or savings account are not exempt from execution.”**
- [Phoenix Windows, Inc. v. Viking Construction, Inc.](#), 88 Conn. App. 74, 79, 868 A.2d 102 (2005). **“Thus, because the [arbitration] award was confirmed and the court added a requirement that the assignment of interest was a prerequisite to the bank execution, its action was a modification of the award, rather than an effectuation of the award. Because the thirty day time limit to modify the award had passed; see § 52-420; and a motion to modify the judgment was never filed, the court improperly granted the motion to terminate the stay and improperly sustained the objection to the bank execution.**
- [W & D Acquisition, LLC, v. First Union National Bank](#), 262 Conn. 704, 817 A.2d 91 (2003). It is true that the court in *Normand Joseph Enterprises, Inc.*, also stated that “[i]f § 52-367a does not incorporate the midnight deadline directly, the statute must be interpreted as requiring a bank to act within a reasonable time.” (Emphasis added.) *Id.*, 501. The court reasoned that, in that event, there would be an implied reasonable time requirement that would, by analogy to General Statutes §§ 42a-4-301 and 42a-4-302, incorporate the midnight deadline. *Id.*, 501-503. That reasoning is not controlling in the present case, however, because it was dictum.

The statute in *Normand Joseph Enterprises, Inc.*, namely § 52-367a, *did* contain a provision that expressly incorporated the midnight deadline, and the court determined that that provision applied to the facts of the case before it. *Id.*, 503. Our conclusion, namely, that the court’s reasoning that incorporates the midnight deadline contained in other statutes was dictum, is bolstered by the court’s final passage in that part of its opinion. After reiterating the conclusion “that § 52-367a imposes a midnight deadline on a bank served with an execution”; *id.*; the court then stated that “[a]lternatively, if § 52-367a has no express time limitation for transactions that are not governed by § 42a-4-303, the bank must act within a reasonable time, and that reasonable time period is, by analogy, defined as the midnight deadline . . . .” (Emphasis added.) *Id.*

The judgment is reversed and the case is remanded for further proceedings according to law.

- [Ferrato v. Webster Bank](#), 67 Conn. App. 588, 594, 789 A.2d 472 (2002). "The requirements and obligations imposed by § 52-367a simply do not apply to any portion of a depositor's account that does not represent a debt due from the bank to the depositor. In the present case, the defendant was indebted to Par Painting, Inc., only for \$9901.88, the total amount of the judgment debtor's deposits on the date of the execution. The \$109,792.99 erroneously credited to its account was not a debt due the judgment debtor and was not subject to execution. The defendant, therefore, was not bound to pay this sum to the judgment debtor, and the judgment debtor had no right to enforce payment of that sum. Accordingly, § 52-367a does not authorize execution against funds erroneously credited to the judgment debtor's account."
- [Cohen v. Beharry](#), Superior Court, Judicial District of Hartford-New Britain at Hartford, No. CV900386103S (Nov. 21, 2000) (2000 WL 1868259) (2000 Conn. Super. LEXIS 3341). "With respect to the garnishment of the plaintiff's joint bank account with his wife, only the plaintiff's interest in that account is subject to garnishment because the judgment runs solely against the plaintiff. His wife was never a party to the action in which the judgment was rendered. Cavanaugh and Beharry, however, cannot be deprived of their right to garnish or attach any assets of the plaintiff held by the bank simply because his assets are mingled with those of his wife in a joint account. There is no merit to the plaintiff's motion for a protective order. Accordingly, it is denied."
- [Pac v. Altham](#), 49 Conn. App. 503, 508, 714 A. 2d 716 (1998). "[General Statutes §] 52-367b governs the execution against debts due from banks. Once a judgment debtor claims an exemption from execution pursuant to § 52-367b (e), the court must schedule a short calendar hearing on the exemption claim. The exemption claim filed by the debtor is considered prima facie evidence that the claimed exemption exists. General Statutes § 52-367b (f). The court, after conducting this hearing, must decide whether the exemption claim is meritorious; General Statutes § 52-367b (i); and, if so, whether all or only part of the money deposited in the subject account is exempt. General Statutes § 52-367b (j).'[People's Bank v. Perkins](#), 22 Conn. App. 260, 262-63, 576 A.2d 1313, cert. denied, 216 Conn. 813, 580 A.2d 58 (1990).

Section 52-367b sets forth the circumstances under which execution against debts due to a creditor, which are held by a banking institution, may be levied. Section 52-367b (a) provides in relevant part that '[e]xecution may be granted pursuant to this section against any debts due from any banking institution to a judgment debtor who is a natural person, except to the extent such debts are protected from execution by [statute]....' Here, the trial court improperly created an exemption not otherwise provided by statute. [People's Bank v. Perkins](#), supra, 22 Conn. App. 260.

Specifically, the trial court found that the entire account was exempt from execution because of the proceedings related to the service of the first execution, which was untimely and therefore improper. This exemption is not provided for in the General Statutes. To the contrary, General Statutes § 52-352b sets forth the list of statutory exemptions. We conclude that the trial court's exemption is not provided for by statute and, accordingly, the judgment should be reversed."

- [Fleet Bank Connecticut, N.A. v. Carillo](#), 240 Conn. 343, 691 A.2d 1068 (1997) "The sole issue on this appeal is whether a judgment creditor may enforce a statutory right to a bank execution, pursuant to General Statutes § 52-367b, against the entire balance of a joint bank account to which both a judgment debtor and his nondebtor spouse have contributed funds . . ." (p. 345)

"If each coholder of a joint account has a sufficient property interest in the account to permit a bank creditor to exercise a right of setoff against a mutual debt that encompasses the entire joint account, it follows that each such coholder has a sufficient property interest to permit a judgment creditor to exercise a bank execution, pursuant to § 52-367b, against the entire account. In both cases, a coholder's property interest in the joint account exposes that account, in its entirety, to the creditor's collection powers, in the absence of statutory or common law protections not present here." (p. 352)

- [Normand Josef Enterprises v. Connecticut National Bank](#), 230 Conn. 486, 503, 646 A.2d 1289 (1994) "Having determined that the midnight deadline, as defined in 42a-4-104(a)(10), is the applicable time limitation within which a bank must act upon a 52-367a execution, the trial court appropriately concluded that the bank was required to exercise its competing right to a setoff before the expiration of that deadline."

WEST KEY  
NUMBERS:

- **Creditors' Remedies**  
II. Property or Other Subject Matter Which Creditors May Reach, k21-k100
- Judgment  
XIX. Suspension, Enforcement, and Revival  
k851-k872

DIGESTS:

ALR Digest: *Creditors' Remedies*

TEXTS &  
TREATISES:

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.  
Chapter 18 – Enforcement of Judgments.  
Sec. 209 – Property Subject to or Exempt from Execution — subsection h. Bank Accounts

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References to online databases refer to in-library use of these databases. Remote access is not available.

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Online databases are available for in-library use. Remote access is not available.

#### PAMPHLETS:

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25:5 Financial Institutions—Execution Proceeding
- *Connecticut Lawyer’s Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.  
Chapter 5, Debt Collection, by Jeanine M. Dumont.
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
Chapter 17: Commentary — Postjudgment Procedures
- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).  
VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies  
B. Property Subject to Proceedings  
§ 476. Bank Accounts.  
§ 477. Jointly-owned property.  
E. Remedies Available  
§ 552. Exemptions.
- 86 *A.L.R.5th* 527. *Joint Bank Account as Subject to Attachment, Garnishment, or Execution by Creditor of One Joint Depositor*, by Martha A. Churchill, Thomson West, 2001 (Also available on Westlaw).
- [How do I collect money if I win my case?](#) (Connecticut Judicial Branch Small Claims FAQ, Question 24)
- [How Small Claims Court Works - Section 6: Collecting the Judgment](#) (Connecticut Judicial Branch)
- [Small Claims Court](#) (CTLawHelp.Org)

# Section 4: Personal Property Executions

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning property executions.

## DEFINITIONS:

- **“Property”** means any real or personal property in which the judgment debtor has an interest which he could assign or transfer, including (A) any present or future right or interest, whether or not vested or liquidated, (B) any debt, whether due or to become due, and (C) any cause of action which could **be assigned or transferred.**” Conn. Gen. Stat. [§ 52-350a\(16\)](#) (2023).
- **“On application of a judgment creditor or his attorney, stating that a judgment remains unsatisfied and the amount due thereon, and subject to the expiration of any stay of enforcement and expiration of any right of appeal, the clerk of the court in which the money judgment was rendered shall issue an execution pursuant to this section against the nonexempt personal property of the judgment debtor other than debts due from a banking institution or earnings. ...In the case of a consumer judgment, the application shall indicate whether, pursuant to an installment payment order under subsection (b) of section 52-356d, the court has entered a stay of execution and, if such a stay was entered, shall contain a statement of the judgment creditor or his attorney as to the debtor’s default on payments. In the case of a judgment arising out of services provided at a hospital, no application shall be made until the court has (A) issued an order for installment payments in accordance with section 52-356d, (B) made a finding that the debtor has defaulted on payments under the order, and (C) lifted the mandatory stay issued under section 52-356d...”** Conn. Gen. Stat. [§ 52-356a\(a\)\(1\)](#) (2023).
- **“Where a dispute exists between the judgment debtor or judgment creditor and a third person concerning an interest in personal property sought to be levied on, or where a third person claims that the execution will prejudice his superior interest therein, the judgment creditor or third person may, within twenty days of service of the execution or upon application by the judgment creditor for a turnover order, make a claim for determination of interests pursuant to this section.”** Conn. Gen. Stat. [§ 52-356c\(a\)](#) (2023).
- **“A property execution pursuant to section 52-356a to be levied on property of a judgment debtor who is a natural person shall be accompanied by a conspicuous notice in clear and simple language of judgment debtor rights, on a prescribed exemption claim form containing (1) a checklist and description of the most common classes of personal property which are exempt from execution, with a citation to the statutory authority for each class, (2) the name and address of the third person, if any, served with the execution, and a statement of the procedure, pursuant to this section,**

for claiming such an exemption and the time within which such a claim should be made, (3) a statement of the right of consumer judgment debtors to request an installment payment order staying execution pursuant to section 52-356d, and (4) a statement that pursuant to section 52-212, a judgment debtor may, for reasonable cause, move that the judgment be set aside within four months of rendition." Conn. Gen. Stat. [§ 52-361b\(a\)](#) (2023)

SEE ALSO:

- [Table 2: Exempt Property](#)

TIPS:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

- The *Connecticut Lawyers' Deskbook* (3rd ed., 2008) is a useful place to start for practical advice on the procedures concerning collecting money judgments. The *Deskbook* also lists common pitfalls one may encounter in the process.
- The instructions along with the statutes and rules listed on the [official postjudgment forms](#) provide useful starting points for research.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-352b. Exempt property.
  - § 52-353. Levy on and sale of personal property exempt to a certain amount.
  - § 52-356a. Execution against certain nonexempt personal property.
  - § 52-356b. Court order for transfer of specified property or evidence.
  - § 52-356c. Determination of interests in disputed property.
  - § 52-356d. Installment payment order.
  - § 52-361b. Notification of judgment debtor's rights. Claim for exemption or modification.
  - § 52-400a. Protective order by court. Execution against specified property.
  - § 52-400b. Penalty for failure to comply with certain court orders.
  - § 52-400c. Attorney's fees.
  - § 52-400d. Appeal of certain court decisions.

LEGISLATIVE:

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [Forms you may need to collect on a civil judgment](#) (Connecticut Judicial Branch Civil Forms)
- [JD-CV-5](#) – Property Execution Proceedings - Application, Order, Execution
- [JD-CV-5b](#) – Exemption Claim Form, Property Execution
- [JD-CV-5c](#) – Property Execution Proceedings, Claim For Determination of Interests
- See also: 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25: 12 Application for order in aid of execution

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Myshkina v. Gusinski](#), 217 Conn. App. 376, 379, 289 A.3d 250 (2023). "The defendant's sole claim on appeal is that the court improperly relied on Attorney Gould's affidavit of debt when it rendered judgment. The defendant argues that, because the only affidavit of debt filed in support of the plaintiff's motion for judgment was signed by her attorney, Attorney Gould, the court should have denied the plaintiff's motion for failing to comply with Practice Book § 17-25(b)(1), **which requires that the affidavit of debt be signed by 'an authorized representative of the plaintiff who is not the plaintiff's attorney.'** We agree."
- [Hernandez v. Apple Auto Wholesalers of Waterbury, LLC](#), 338 Conn. 803, 813, 259 A.3d 1157 (2021).

"The District Court therefore certified the following questions to this court, which are 'based on the parties' proposed questions and the [District] Court's own analysis:

'1. When is the limit on assignee liability, 'the amount of indebtedness then outstanding,' determined under ... § 52-572g? (p. 813)

"The answer to the first certified question is that the limit on assignee liability under § 52-572g(a), which is "the amount of indebtedness then outstanding," is determined at the time of the written demand on the seller." (p. 830)

'2. Can an assignee avoid liability under... § 52-572g by [reassigning] the promissory note, contract or other instrument back to the seller? If so, by when must the assignee reassign the loan to avoid liability? (p. 813)

"The answer to the second certified question is that an assignee can avoid liability under § 52-572g by reassigning the promissory note, contract or other instrument back to the seller, so long as it is done before the buyer makes written demand on the seller." (p. 830)

'3. If a retail installment contract includes the language mandated by 16 C.F.R. § [433.2], the FTC [h]older [r]ule, is the assignee liability under this incorporated contractual language cumulative to the statutory liability under ... § 52-572g?' *Id.*, at \*6-7." (p. 813)

"The answer to the third certified question is that, if a retail installment contract includes the FTC holder rule language mandated by 16 C.F.R. § 433.2, the assignee's liability under that rule is cumulative to its liability under § 52-572g." (p. 831)

- [Colon-Collazo v. Cox](#), 193 Conn. App. 251, 257, 219 A.3d 512 (2019). "The plain language of § 52-361b(d) provides that a judgment debtor may claim an exemption by returning a signed exemption claim form indicating the property claimed to be exempt. The use of the words 'may' in the statute denotes that claiming an exemption is permissive conduct on the part of the judgment debtor. See [Lostritto v. Community Action Agency of New Haven, Inc.](#), 269 Conn. 10, 20, 848 A.2d 418 (2004) (generally 'may' imports permissive conduct and conferral of discretion). That same subsection provides that a judgment debtor 'shall' return a signed claim form, which suggests that the legislature intended to mandate a procedure that a judgment debtor must follow in order to make a claim for an exemption. See *id.* (when legislature uses 'shall' and 'may' in same statute, those words 'must then be assumed to have been used with discrimination and a full awareness of the difference in their ordinary meanings' [internal quotation marks omitted]); see also [Bailey v. State](#), 65 Conn. App. 592, 604, 783 A.2d 491 (2001) (absent indication to contrary, use of mandatory term 'shall' indicates mandatory legislative directive).

'The test to be applied in determining whether a statute is mandatory or directory is whether the prescribed mode of action is the essence of the thing to be accomplished, or in other words, whether it relates to a matter of substance or a matter of convenience.... If it is a matter of substance, the statutory provision is mandatory. If, however, the legislative provision is designed to secure order, system and dispatch in the proceedings, it is generally held to be directory, especially where the requirement is stated in affirmative terms unaccompanied by negative words.' (Internal quotation marks omitted.) [Katz v. Commissioner of Revenue Services](#), 234 Conn. 614, 617, 662 A.2d 762 (1995).

In our view, the returning of the claim form is an essential part of the process mandated by the statutory subsection. The return of the exemption claim form gives the judgment creditor notice of the dispute as to ownership of the seized property and provides the judgment debtor with an opportunity for a hearing to resolve the dispute. General Statutes § 52-361b(d). Pending the hearing on such claim, the execution is stayed and the marshal cannot dispose of the

assets. General Statutes § 52-361b(e). Thus, the language of § 52-361b(d) makes clear that if a judgment debtor chooses to claim an exemption, the judgment debtor must return the exemption claim form.”

- [Cadle Co. v. Fletcher](#), 324 Conn. 228, 239, 151 A.3d 1262 (2016). “Section 52–356a(a)(1), which sets forth the procedure for executing against personal property, provides **in relevant part that** ‘the clerk of the court in which the money judgment was rendered shall issue an execution pursuant to this section against the nonexempt personal property of the judgment debtor other than debts due from a banking **institution or earnings** ....’ Thus, that statute merely acknowledges that the procedures for executing against personal property do not apply to earnings. Rather, the procedure for garnishing earnings is set forth in § 52–361a. Like § 52–350f, § 52–356a is silent as to wages in the hands of a judgment debtor.”
- [Mercadante v. Kvinta](#), Superior Court, Judicial District of Litchfield at Litchfield, No. LLICV164016048S (Oct. 25, 2016) (63 Conn. L. Rptr. 281) (2016 WL 7132308) (2016 Conn. Super. LEXIS 2682). “Based partly on these principles, the United States Bankruptcy Court for the District of Connecticut, in [In re Clifford](#), 222 B.R. 8 (D.Conn. 1998), has specifically held that two trucks used by a building contractor **qualified as ‘tools of the trade’** under § 52–352b(b). The court also reviewed the case law and observed that ‘the general rule is that a motor vehicle is a tool of the trade if it is necessary and used by the debtor to carry on his business. It is not sufficient for the debtor to use a vehicle for transportation to and from work; use of the vehicle must be a **part of the debtor's business.**’ Id., 12. Finally, the court acknowledged that the statute has a separate exemption for motor vehicles up to \$3,500, but concluded that the absence of a **monetary limitation on ‘[t]ools’** was within the legislative prerogative.”
- [Voll v. Dunn](#), Superior Court, Judicial District of Waterbury at Waterbury, Docket No. X10UWYCV126018520 (Nov. 10, 2014) (2014 WL 7461644) (2014 Conn. Super. LEXIS 2849). “Therefore, this court concludes that the defendant's membership interest in the Management LLC and the **Fairfield, LLC was ‘property’** as defined in Section 52–350(16) and therefore subject to execution pursuant to Section 52–350f, unless such execution is **otherwise prohibited by ‘any other provision of the general statutes or federal law.’**”
- [Utzler v. Braca](#), Superior Court, Judicial District of Fairfield at Bridgeport, Docket No. CV06 5003257 (Apr. 19, 2010) (49 Conn. L. Rptr. 658) (2010 WL 2132654) (2010 Conn. Super. LEXIS 929). “**The defendant argues that a pro se defendant** should not be penalized and should be allowed to have a hearing in connection with the property, despite her late filing and use of the wrong form. . . .”

The texts of General Statutes § 52-361b and § 52-356c are plain and unambiguous. They set forth the procedures to be **utilized...for her to gain a hearing on her claim.** Patricia Braca did not abide by these statutory conditions and mandates. **Her claim for an exemption is hereby dismissed."**

- [Anthony Julian Railroad Construction Co. v. Mary Ellen Drive Associates](#), 50 Conn. App. 289, 294, 717 A.2d 294 (1998). **"The plaintiff states that '[i]t must be conceded that the trial court does have supervisory control over the process of an execution.' We are in complete agreement with the plaintiff's statement of the law.** See generally [Gainty v. Russell](#), 40 Conn. 450, 450-51 (1873); [Gager v. Watson](#), 11 Conn. 168, 171 (1836).

Moreover, we analogize the trial court's action in holding a hearing on the propriety of the issuance of an execution in **this case to the common law writ of audita querela."**

**"...we hold that a property execution is an improper remedy in this action for foreclosure of a mechanic's lien."** (p. 295)

WEST KEY NUMBERS:

- **Creditors' Remedies**  
II. Property or Other Subject Matter Which Creditors May Reach  
k21-k100
- Judgment  
XIX. Suspension, Enforcement, and Revival  
k851-k872

DIGESTS:

- ALR Digest: *Creditors' Remedies*

TEXTS & TREATISES:

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.

Chapter 18 – Enforcement of Judgments.

Sec. 209 – Property Subject to or Exempt from Exemption

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).

Chapter 25 Enforcing Court Judgments—Executions

§ 25: 1 Executions—Commentary

§ 25: 2 Property execution proceedings

§ 25: 3 Exemptions from executions

- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.

Chapter 5, Debt Collection, by Jeanine M. Dumont.

- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.

Chapter 17: Commentary — Postjudgment Procedures

Enforcing Money Judgments - 34

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- ENCYCLOPEDIAS:
- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
    - II. Execution and Levy, Generally
      - D. Property Subject to Execution
        - 4. Particular Kinds of Property
          - A. In General
            - § 128. Types of property subject to execution.
            - § 130. Crops and timber; grain futures
            - § 131. Property in sealed or locked container
          - B. Intangible Property
            - § 132. Intangible property, generally; executory contracts
            - § 133. Cause of action; chose in action
            - § 135. Promissory notes
            - § 136. Judgments; judgment liens
            - § 137. Insurance policies; proceeds; premiums
            - § 138. Patents, copyrights, and trademarks
            - § 139. Licenses or permits; franchises; stock exchange seat
            - § 140. Corporate stock.
        - 5. Particular Interests in Property
          - A. In General
            - § 142. Limited liability company interests.
      - VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
        - B. Property Subject to Proceedings
          - § 477. Jointly-owned property.
          - § 484. Property in another state or county
        - E. Remedies Available
          - § 552. Exemptions.

- PAMPHLETS:
- [How do I collect money if I win my case?](#) (Connecticut Judicial Branch Small Claims FAQ, Question 24)
  - [How Small Claims Court Works - Section 6: Collecting the Judgment](#) (Connecticut Judicial Branch)

Table 2: Exempt Property

Exempt Property

*Since the plaintiff's property was exempt from attachment, the original taking of it by the defendant Harger was wrongful and the attachment void.* State v. Hartley, 75 Conn. 104, 108, 52 A. 615. [Flaxman v. Capitol City Press](#), 121 Conn. 423, 429, 185 A. 417 (1936).

*The cases also hold that claims of exemption are to be liberally construed in favor of the owner who is claiming the exemption.* [Konover Const. Corp. v. Silberstein](#), Superior Court, Judicial District of New Haven at New Haven, No. CV 02-0467948 S (July 22, 2003).

- See *A/so*: OLR Research Report Michelle Kirby, Connecticut Homestead Laws, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0150](#) (August 2, 2022).

- Conn. Gen. Stat. [§ 52-352b](#) (2023). Exempt property  
The following property of any natural person shall be exempt:
  - (1) Necessary apparel, bedding, foodstuffs, household furniture and appliances;
  - (2) Tools, books, instruments, farm animals and livestock feed, which are necessary to the exemptioner in the course of his or her occupation, profession or farming operation;
  - (3) Burial plot for the exemptioner and his or her immediate family;
  - (4) Public assistance payments and any wages earned by a public assistance recipient under an incentive earnings or similar program;
  - (5) Health and disability insurance payments;
  - (6) Health aids necessary to enable the exemptioner to work or to sustain health;
  - (7) Workers' compensation, Social Security, veterans and unemployment benefits;
  - (8) Court-approved payments for child support;
  - (9) Arms and military equipment, uniforms or musical instruments owned by any member of the militia or armed forces of the United States;
  - (10) Up to two motor vehicles to the value of seven thousand dollars in the aggregate, provided value shall be determined as the fair market value of the motor vehicles less the amount of all liens and security interests which encumber them;
  - (11) Wedding and engagement rings;

(12) Residential utility deposits for one residence, and one residential security deposit;

(13) Any assets or interests of an exemptioner in, or payments received by the exemptioner from, a plan or arrangement described in section 52-321a;

(14) Alimony and support, other than child support, but only to the extent that wages are exempt from execution under section 52-361a;

(15) An award under a crime reparations act;

(16) All benefits allowed by any association of persons in this state towards the support of any of its members incapacitated by sickness or infirmity from attending to his usual business;

(17) All moneys due the exemptioner from any insurance company on any insurance policy issued on exempt property, to the same extent that the property was exempt;

(18) Any interest of the exemptioner in any property not to exceed in value one thousand dollars;

(19) Any interest of the exemptioner not to exceed in value four thousand dollars in any accrued dividend or interest under, or loan value of, any unexpired life insurance contract owned by the exemptioner under which the insured is the exemptioner or an individual of whom the exemptioner is a dependent;

(20) The cash surrender value of any life insurance policy issued upon the life of a citizen or resident of this state, unless the life insurance policy was assigned to or was effected for the benefit of the creditor or unless the purchase, sale, or transfer of the life insurance policy is made with the intent to defraud the creditor;

(21) The homestead of the exemptioner to the value of two hundred fifty thousand dollars, provided value shall be determined as the fair market value of the real property less the amount of any statutory or consensual lien which encumbers it, except that, in the case of a money judgment arising out of a claim of sexual abuse or exploitation of a minor, sexual assault or other wilful, wanton, or reckless misconduct committed by a natural person, to the value of seventy-five thousand dollars; and

(22) Irrevocable transfers of money to an account held by a debt adjuster licensed pursuant to sections 36a-655 to 36a-665, inclusive, for the benefit of creditors of the exemptioner.

(Emphasis added.)

- Conn. Gen. Stat. [§ 52-352d](#) (2023).

(a) As used in this section, "exempt" has the same meaning as provided in section 52-352a, and "farm partnership" means any partnership primarily engaged in the occupation of farming in which at least fifty per cent of the partners are members of the same family.

(b) The farm animals and livestock feed which are reasonably required by a farm partnership in the course of its occupation shall be exempt. All moneys due the farm partnership from any insurance company on any insurance policy issued on such property shall also be exempt to the same extent that the property was exempt. (Emphasis added.)

- Conn. Gen. Stat. [§ 52-321a](#) (2023).

Trust or retirement income and certain retirement, education and medical savings accounts and group annuity contracts unavailable to creditors. Exceptions for qualified domestic relations order, recovery of costs of incarceration and recovery of damages by victim of crime.

Table 3: Charging Orders

<p><a href="#">Madison Hills Limited Partnership II v. Madison Hills</a>, 35 Conn. App. 81, 84-85, 644 A.2d 363 (1994). “[A] charging order . . . is neither fish nor fowl. It is neither an <b>assignment nor an attachment.</b>” <a href="#">Bank of Bethesda v. Koch</a>, 44 Md. App. 350, 354, 408 A.2d 767 (1979). Under this procedure, a court may grant a judgment <b>creditor’s application and issue an order charging the debtor partner’s interest</b> in the partnership with payment of the judgment debt. General Statutes § 34-66. The charging order leaves the partnership intact but diverts to the judgment creditor the debtor partner's share of the profits.</p> <p>Once a judgment creditor obtains a charging order, the trial court is authorized to make any orders and inquiries in support of the charging order.”</p>
<p>Statutes:</p> <ul style="list-style-type: none"><li>• Uniform Limited Partnership Act Conn. Gen. Stat. <a href="#">§ 34-30</a> (2023). <i>Rights of judgment creditor to charge partnership interest of partner.</i> On application to a court of competent jurisdiction by any judgment creditor of a partner, the court may charge the partnership interest of the partner with payment of the unsatisfied amount of the judgment with interest. To the extent so charged, the judgment creditor has only the rights of an assignee of the partnership interest. Nothing in this chapter shall be held to deprive a partner of the benefit of any exemption laws applicable to his partnership interest.</li><li>• Limited Liability Companies Act Conn. Gen. Stat. <a href="#">§ 34-259b</a> (2023). <i>Charging order.</i> (a) On application by a judgment creditor of a member or transferee, a court may enter a charging order against the transferable interest of the judgment debtor for the unsatisfied amount of the judgment. Subject to subsection (e) of this section, a charging order constitutes a lien on a judgment debtor's transferable interest and requires the limited liability company to pay over to the person to which the charging order was issued any distribution that otherwise would be paid to the judgment debtor. To the extent that the transferable interest of the judgment debtor is so charged, the judgment creditor has only the right to receive any distribution or distributions to which the judgment debtor would otherwise have been entitled in respect of such transferable interest.  (b) To the extent necessary to effectuate the collection of distributions pursuant to a charging order in effect under subsection (a) of this section, the court may: (1) Appoint a receiver of the distributions subject to the charging order, with the power to make all inquiries the judgment debtor might have made; and (2) make all other orders necessary to give effect to the charging order.  (c) The member or transferee whose transferable interest is subject to a charging order under subsection (a) of this section may extinguish the charging order by satisfying the judgment and filing a certified copy of the satisfaction with the court that issued the charging order.  (d) A limited liability company or one or more members whose transferable interests are not subject to the charging order may pay to the judgment</li></ul>

creditor the full amount due under the judgment and thereby succeed to the rights of the judgment creditor, including the charging order.

(e) The entry of a charging order is the exclusive remedy by which a person seeking to enforce a judgment against a member or transferee may, in the capacity of judgment creditor, satisfy the judgment from the judgment debtor's transferable interest. With respect to the judgment debtor's transferable interest, attachment, garnishment, foreclosure or other legal or equitable remedies are not available to the judgment creditor, whether the limited liability company has one member or more than one member.

(f) Sections 34-243 to 34-283d, inclusive, do not deprive any member or transferee of the benefit of any exemption laws applicable to the transferable interest of the member or transferee.

- Uniform Partnership Act  
Conn. Gen. Stat. [§ 34-349](#) (2023).

***Partner's transferable interest subject to charging order.***

(a) On application by a judgment creditor of a partner or of a partner's transferee, a court having jurisdiction may charge the transferable interest of the judgment debtor to satisfy the judgment. The court may appoint a receiver of the share of the distributions due or to become due to the judgment debtor in respect of the partnership and make all other orders, directions, accounts and inquiries the judgment debtor might have made or which the circumstances of the case may require.

(b) A charging order constitutes a lien on the judgment debtor's transferable interest in the partnership. The court may order a foreclosure of the interest subject to the charging order at any time. The purchaser at the foreclosure sale has the rights of a transferee.

(c) At any time before foreclosure, an interest charged may be redeemed: (1) By the judgment debtor; (2) with property other than partnership property, by one or more of the other partners; or (3) with partnership property, by one or more of the other partners with the consent of all of the partners whose interests are not so charged.

(d) Sections 34-300 to 34-399, inclusive, do not deprive a partner of a right under exemption laws with respect to the partner's interest in the partnership.

(e) This section provides the exclusive remedy by which a judgment creditor of a partner or partner's transferee may satisfy a judgment out of the judgment debtor's transferable interest in the partnership.

Recent Charging Order Superior Court Cases:

- 301 Rope Ferry Road, LLC v. Tasoulas, Superior Court, Judicial District of New London at New London, No. CV13-5014610-S (December 15, 2017) (65 Conn. L. Rptr. 624) (2017 WL 6997159). **"The plaintiff has moved pursuant to General Statutes § 34-171 (since superseded by General Statutes § 34-359b) that the court 'enter an order charging the Judgment Debtor, Demetrius Tasoulas' interest in the limited liability company "The First Oneco, LLC" (the 'LLC') with payment of the unsatisfied amount of the Plaintiff's judgment with interest provided by law.'**

....

In sum, the defendant holds no financial interest which would support the **charging order....As the movant, the plaintiff bears the burden of proving its** right to a charging order....The court cannot charge an interest that the defendant does not have, and the plaintiff has not proven any fraud by the defendant by means of his assignment, and the court finds that the assignment was legitimately made on November 24, 2008.”

- Abbett v. OYA, LLC, Superior Court, Judicial District of New Haven at New Haven, No. CV075009253 (June 28, 2016) (62 Conn. L. Rptr. 537) (2016 WL 4071514) (2016 Conn. Super. LEXIS 1855). **“Accordingly, as the court** previously noted, if the LLC’s assets and finances have not yet been fully distributed and resolved following dissolution and winding up, then the court may still issue a charging order against a member’s interest. See *Connecticut Community Bank v. A & J Farm Stand, LLC*, Superior Court, judicial district of Stamford–Norwalk, Docket No. CV–12–6013194–S (October 1, 2013, Karazin, J.T.R.).”
  - Voll v. Dunn, Superior Court, Judicial District of Waterbury at Waterbury, No. X10UWYCV126018520 (Nov. 10, 2014) (2014 WL 7461644) (2014 Conn. Super. LEXIS 2849). “There is no dispute that a charging order obtained pursuant to Section 34–171 does not confer ownership or voting rights. Conn. Gen. Stat. § 34–171. *Metcoff v. NCT Group, Inc.*, 2012 WL 6901181 (Conn. Super.) (Taylor, J. December 20, 2012) [55 Conn. L. Rptr.]. The judgment creditor who obtains a charging order does not step into the shoes of the LLC member in the management or affairs of the LLC. See, *Rockstone Capital, LLC v. Marketing Horizons, LTD*, 2013 WL 4046597 (July 17, 2013, Young, J.) [56 Conn. L. Rptr. 574]. The question posed is whether this is a judgment creditor’s only avenue for pursuing the debtor’s LLC interests.” (Emphasis added.)
  - Mack Film Development, LLC et al. v. Benevolent Partners, L.P. et al., Judicial District of Bridgeport at Bridgeport, No. CV104033543S (Feb. 6, 2014) (2014 WL 929702) (2014 Conn. Super. LEXIS 306). **“The court may therefore order** further disclosure of financial information or other actions beyond the defendant debtors’ rights as limited partners as are necessary to effectuate the charging order, but may not make orders on the partnership to produce information beyond the defendant debtors’ right to information if such orders are not related to the plaintiff creditors’ specific efforts to obtain payment from **the defendant debtors’ interest in JHJ Limited Partnership, LP.**”
- 
- Forms and Commentary: *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
    - Chapter 17: Commentary — Postjudgment Procedures
      - Form 17-027:
        - Application for Charging Order
        - Affidavit in Support of Charging Order
        - Charging Order
        - Enforcement Order

Table 4: Garnishing Funds Held by State or Federal Government

Connecticut	
<p><a href="#">Herzig v. Horrigan</a>, 34 Conn. App. 816, 822 (1994).</p>	<p><b>"General Statutes §§ 52-350e and 52-350f do not explicitly permit a property execution pursuant to a money judgment to be served on the state or enforced against property of the judgment debtor in possession of the state. The construction of a statute in derogation of the doctrine of sovereign immunity must be strict . . . ."</b></p>
<p><a href="#">Stillman v. Isham</a>, 11 Conn. 124, 127 (1835).</p>	<p><b>"So too . . . it is said, that property in the hands of government and its agents, as the public funds and dividends due thereon, cannot be attached."</b></p>
<p>Selected Connecticut Statutes Allowing Execution Against Funds Held By the State (2023)</p>	<p><a href="#">Sec. 52-361a(g)</a> <i>Execution on Wages after Judgment</i>  <b>"Any employer served with a wage execution, including the state and any municipality . . . shall . . . pay over to the levying officer such portion of the judgment debtor's nonexempt earnings as the execution prescribes . . . ."</b></p> <p><a href="#">Sec. 52-367c</a>. <i>Execution against lottery and pari-mutuel winnings.</i></p>
<p>West's Connecticut Digest</p>	<p>Topic: <i>Creditors' Remedies</i>            Key # 660 — Persons subject to garnishment—Public entities, officers, and employees</p>
<p>Attorney General's Opinions</p>	<p><a href="#">Formal Opinion 1999-06 (June 9, 1999)</a>  <b>"Whether a municipality, pursuant to Conn. Gen. Stat. § 12-162, may pursue and levy against the assets of delinquent municipal taxpayers held in custody by the State Treasurer...."</b></p> <p><a href="#">Formal Opinion 1991-025 (July 29, 1991)</a></p>
Federal Government	
<p><a href="#">Department of Army v. Blue Fox, Inc.</a>, 525 U.S. 255, 264, 119 S.Ct. 687 (1999).</p>	<p><b>"Our holding today is in accord with our precedent establishing that sovereign immunity bars creditors from attaching or garnishing funds in the Treasury, see <a href="#">Buchanan v. Alexander</a>, 4 How. 20 (1845), or enforcing liens against property owned by the United States, see <a href="#">United States v. Ansonia Brass &amp; Copper Co.</a>, 218 U. S. 452, 471 (1910); <i>United States ex rel. Hill v. American Surety Co. of N. Y.</i>, 200 U. S. 197, 203 (1906) ('As against</b></p>

	<p>the United States, no lien can be provided upon its public <b>buildings or grounds</b>’).</p> <p>Instead, these cases dealt with disputes between private parties over priority to funds which had been transferred out of the Treasury and as to which the Government had disclaimed any ownership. They do not in any way disturb the established rule that, unless waived by Congress, sovereign immunity bars subcontractors and other creditors from enforcing liens on Government property or funds to recoup their losses.”</p>
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# Section 5: Turnover Orders

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning turnover orders.

## DEFINITIONS:

- “‘Property’ means any real or personal property in which the judgment debtor has an interest which he could assign or transfer, including (A) any present or future right or interest, whether or not vested or liquidated, (B) any debt, whether due or to become due, and (C) any cause of action which could **be assigned or transferred.**” Conn. Gen. Stat. [§ 52-350a\(16\)](#) (2023).
- “(a) If a judgment is unsatisfied, the judgment creditor may apply to the court for an execution and an order in aid of the execution directing the judgment debtor, or any third person, to transfer to the levying officer either or both of the following: (1) Possession of specified personal property that is sought to be levied on; or (2) possession of documentary evidence of title to property of, or a debt owed to, the judgment debtor that is sought to be levied on.  
(b) The court may issue a turnover order pursuant to this section, after notice and hearing or as provided in subsection (c) of this section, on a showing of need for the order. If the order is to be directed against a third person, such person shall be notified of his right pursuant to section 52-356c to a determination of any interest claimed in the property.  
(c) The court may issue a turnover order against a judgment debtor, without notice or hearing, upon affidavit by the judgment creditor or another competent affiant stating facts from which the court concludes that there is a reasonable likelihood that the judgment debtor is about to remove the property from the state or is about to fraudulently dispose of the property with intent to hinder, delay or defraud his creditors. The court shall expeditiously hear and determine any motion by the judgment debtor to dissolve such an ex parte order.  
(d) Unless directed to a person who is before the court, any turnover order shall be personally served and shall contain a notice that failure to comply therewith may subject the person served to being held in contempt of court.” Conn. Gen. Stat. [§ 52-356b](#) (2023).
- “**Where a dispute exists between the judgment debtor or judgment creditor and a third person concerning an interest in personal property sought to be levied on, or where a third person claims that the execution will prejudice his superior interest therein, the judgment creditor or third person may, within twenty days of service of the execution or upon application by the judgment creditor for a turnover order, make a claim for determination of interests pursuant to this section.**” Conn. Gen. Stat. [§ 52-356c\(a\)](#) (2023).

SEE ALSO:

- [Table 2: Exempt Property](#)
- [Figure 1: Application for Turnover Order](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-352b. Exempt property.
  - § 52-353. Levy on and sale of personal property exempt to a certain amount.
  - § 52-356a. Execution against certain nonexempt personal property.
  - § 52-356b. Court order for transfer of specified property or evidence. [*Turnover order*]
  - § 52-356c. Determination of interests in disputed property.
  - § 52-356d. Installment payment order.
  - § 52-361b. Notification of judgment debtor's rights. Claim for exemption or modification.
  - § 52-400a. Protective order by court. Execution against specified property.
  - § 52-400b. Penalty for failure to comply with certain court orders.
  - § 52-400c. Attorney's fees.
  - § 52-400d. Appeal of certain court decisions.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

RECORDS & BRIEFS:

- Connecticut Appellate Court Records and Briefs (December 2005).  
[Sarasota CCM, Inc. v. Golf Marketing, LLC](#), 94 Conn. App. 34, 891 A.2d 72 (2006). [[Figure 1](#)]

FORMS:

- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
17-014 - Motion to Turn Over Assets (Personal Property)

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- [JD-CV-5c](#) — Property Execution Proceedings, Claim For Determination of Interests
- [Figure 1](#) — Application for Turnover Order in Aid of Execution
  - See also: 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw). Chapter 25 Enforcing Court Judgments—Executions § 25:12 Application for order in aid of execution

#### CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Grover v. Velez](#), Superior Court, Judicial District of Danbury, GA 3 at Danbury, No. DBDCV136014260S (Mar. 17, 2021) (2021 WL 1535354) (2021 Conn. Super. LEXIS 287). "The court will next address the question of whether the defendant's unliquidated interest in the future proceeds of a personal injury action are subject to the provisions of General Statutes § 52-356b. It is clear from the language of the statute that a future, unliquidated interest is attachable. The more nuanced question is whether a personal injury cause of action is assignable under Connecticut law and therefore attachable pursuant to the statute . . ."
- [Great Country Bank v. Ogalin](#), 168 Conn. App. 783, 789, 148 A.3d 218, 221 (2016). "We observe that Drywall, represented by counsel, appeared before the trial court as a 'third party' and that it has brought the present appeal as a 'third party.' Drywall, which is not a party to the underlying action, nevertheless properly brings the present appeal because it indisputably was a party to the supplemental proceeding, initiated by the plaintiff under § 52-356c...."
- [Padula v. Bianchini](#), Superior Court, Judicial District of Waterbury at Waterbury, No. CV116009381S (Jan. 14, 2014) (57 Conn. L. Rptr. 482) (2014 WL 567574) (2014 Conn. Super. LEXIS 128). "The court will next address the question of whether the defendant's unliquidated interest in the future proceeds of a personal injury action are subject to the provisions of General Statutes § 52-356b. It is clear from the language of the statute that a future, unliquidated interest is attachable. The more nuanced question is whether a personal injury cause of action is assignable under Connecticut law and therefore attachable pursuant to the statute."
- [Park Avenue Group Consulting, LLC v. Tartsinis](#), Superior Court, Judicial District of Hartford at Hartford, No. HDCV136038987S (Dec. 20, 2013) (57 Conn. L. Rptr. 391) (2013 WL 7020545) (2013 Conn. Super. LEXIS 2966). "Park Avenue claims that its pending lawsuit is a contingent interest and cannot be garnished . . ." (p. 392)

"Here the garnishment sought is of funds due pursuant to a completed contract. A review of the offers of compromise in the lawsuit between Park Avenue and Maffe indicate that the parties agree that some amount is due Park Avenue under the contract but disagree as to the amount. Sums payable

pursuant to a contract, either voluntarily made or as ordered by judicial decree, are subject to garnishment under the cases cited above, even though the amount payable under **the contract has yet to be determined.**" (p. 393)

- Choice Hotels Int'l, Inc. v. Klein, Superior Court, Judicial District of Stamford-Norwalk, No. DFSTCV114020107 (Nov. 7, 2011) (52 Conn. L. Rptr. 831) (2011 WL 5925081) (2011 Conn. Super. LEXIS 2862). **"The court finds that Choice has made the necessary showing of need. Neither party has provided any authority defining 'need' as used in Section 52-356b(b) and there does not seem to be much judicial interpretation available on the subject."**
- Kosloski v. Greenwoods Associates, Superior Court, Judicial District of Litchfield at Litchfield, No. LLI CV 07 5002529S (Dec. 21, 2009) (49 Conn. L. Rptr. 123) (2009 WL 5698147) (2009 Conn. Super. LEXIS 3510). **"An application for turnover order is one of the postjudgment remedies available to those who seek to garnish property. 'In order to demand that a garnishee turnover garnished assets, a plaintiff must obtain either a bank or personal property execution within sixty days of a final judgment, and then properly serve the garnishee with the execution.' (Internal quotation marks omitted.) *Superior Block & Supply Co. v. C & M Masons, Inc.*, Superior Court, judicial district of New Britain, Docket No. CV 472867 (January 19, 1999, Skolnick, J.) (23 Conn. L. Rptr 666, 667)."**
- B.I. Liquidation Corporation v. New Berkshire Industries, Inc., Superior Court, Judicial District of New Britain at New Britain, No. HHB CV06 5000951 (January 16, 2008) (44 Conn. L. Rptr. 790) (2008 WL 254143) (2008 Conn. Super. LEXIS 80). **"The scire facias procedure described in Conn. Gen. Stat. § 52-387 continues to be available alongside the provisions of Chapter 906 to compel a banking institution to comply with an execution. Either set of procedures may be utilized to collect a judgment debt under these circumstances. The court finds that the writ of scire facias is not the exclusive means to do so. . . . But of course the plaintiffs have not sought enforcement via scire facias, but rather under Chapter 906, to which one must turn to discern whether the plaintiffs have run afoul of any deadlines for filing their application for turnover order."**
- Sarasota CCM, Inc. v. Golf Marketing, LLC, 94 Conn. App. 34, 891 A.2d 72 (2006). **"The law of turnover orders is entirely statutory. . . ." (p. 37)**

**"These statutes have not been extensively litigated."** (p. 38)

**"We are persuaded that, taken in its entirety, this evidence entitled the plaintiff to the turnover order that it sought without direct proof that Hole-in-Won.com, LLC, is a fictitious entity."** (p. 39-40)

- [PB Real Estate, Inc. v. Dem II Properties](#), 50 Conn. App. 741, 744, **719 A.2d 73 (1998)**. "Pursuant to **General Statutes § 52-356b (b)**, the plaintiff applied for a turnover order, claiming that the LLC had not fully complied with the charging order because the 1996 profit and loss statement indicated that a portion of the item designated on the statement as **'legal staff' expense appeared to have been paid to the defendants**, contrary to the directive in the charging order **that all distributions should be paid to the plaintiff.**"
- [Fleet Bank Connecticut, N.A. v. Carillo](#), 240 Conn. 343, 346, 691 A.2d 1068 (1997). **"To compel compliance, the plaintiff then filed a motion for a turnover order in the Superior Court."** [Joint Bank Account]

WEST KEY NUMBERS:

- **Creditors' Remedies**
  - II. Property or Other Subject Matter Which Creditors May Reach, k21-k100
    - (C) Ownership or Possession of Subject Matter, k71-k100
  - VI. Particular Remedies--Execution, k321-640
  - VIII. Particular Remedies—Supplementary Proceedings and Similar Remedies in Aid of Execution, k931-k1000
    - k936 Order for payment or delivery of property, turnover
- Judgment
  - XIX. Suspension, Enforcement, and Revival
    - k85-k8721

TEXTS & TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 18 – Enforcement of Judgments.
    - Sec. 214 – Legal and Equitable Procedures in Aid of Execution — subsection f. Turnover Orders
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 25 Enforcing Court Judgments—Executions
    - § 25: 1(h) Property execution—Turnover orders
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
  - Chapter 5, Debt Collection, by Jeanine M. Dumont.
- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
  - VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
    - E. Remedies Available
      - 5. Application of Property to Satisfaction of Judgment
        - § 549. Turnover orders.
        - § 552. Exemptions from Turnover.

ENCYCLOPEDIAS:

- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
  - VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
    - E. Remedies Available
      - 5. Application of Property to Satisfaction of Judgment
        - § 549. Turnover orders.
        - § 552. Exemptions from Turnover.

Figure 1: Application for Turnover Order

D.N. CV 04-01 98692S	:	SUPERIOR COURT
SARASOTA CCM. INC.	:	JUDICIAL DISTRICT OF STAMFORD/NORWALK
VS.	:	
	:	AT STAMFORD
KEVIN KOLENDA	:	OCTOBER 12, 2004

APPLICATION FOR TURNOVER ORDER IN AID OF EXECUTION  
(§ 52-356b)

The plaintiff in the above entitled action, Sarasota CCM, Inc. respectfully represents:

1. On March 29, 2004 judgment was entered in favor of the plaintiff and against Kevin Kolenda in the amount of \$8,791.73.
2. The plaintiff, Sarasota CCM, Inc. ("Sarasota") applied for a bank execution which bank execution was signed by the clerk of the court on May 6, 2004, copy attached hereto as Exhibit A.
3. Said bank execution was duly served by State Marshal N.E. Nikola ("Marshal") in May 2004 upon JP Morgan Chase & Co. aka JP Morgan Chase Bank ("Chase").
4. Chase returned the bank execution to the Marshal unsatisfied stamped May 28, 2004 with a handwritten note "Tax ID # is Different", return attached hereto as Exhibit B.
5. After that return, the undersigned confirmed with Chase that Kevin Kolenda had a bank account with the bank, using his social security number.
6. Sarasota requested the Marshal to reserve the bank execution upon Chase with a letter dated June 11, 2004 from the undersigned to Chase stating that there was confirmation of a bank account at Chase for Kevin Kolenda. Said letter is attached hereto as Exhibit C.
7. The Marshal reserved the bank execution with the attached letter attached hereto as Exhibit C upon Chase in July 2004.

8. On July 12, 2004 Chase notified the Marshal that the name of the debtor brings up a different tax I.D. number, the debtor is only a signer on the account and the account is a corporate account. Notice attached hereto as Exhibit D.

9. A subpoena duces tecum of Chase's bank records shows that there are two accounts in the name of Hole-In-Won.com LLC, a checking account with account number \_\_\_\_ and a money market account with account number \_\_\_\_.

10. Chase's records show that the taxpayer identification number for these accounts is Kevin Kolenda's social security number.

11. The bank has no verification of the existence of a limited liability company with the name of Hole-In-Won.com LLC.

12. The Office of the Connecticut Secretary of State has no record of a limited liability company with the name of Hole-In-Won LLC. Printout from the Secretary of State's website attached as Exhibit E.

13. Some of the expenses paid from the accounts are personal in nature.

14. Upon information and belief account number \_\_\_\_ and account number \_\_\_\_ are personal accounts of Kevin Kolenda and there is no legal entity known as Hole-In-Won.Com LLC.

WHEREFORE, the plaintiff seeks an turnover order from this Court pursuant to § 52-356b of the General Statutes directing Chase to turn over to the levying officer the sum of money which Chase had an obligation to remove from the bank accounts of the defendant, on the dates of service of the bank execution.

NOTICE IS HEREBY GIVEN THAT failure to comply with any turn over order entered by this Court may subject the person being held in contempt of Court.

THE PLAINTIFF,

[Order to Show Cause]

[Order]

## Section 6: Exempt Property

A guide to resources in the library

### SCOPE:

- Bibliographic resources concerning exempt property.

### DEFINITIONS:

- “‘Value’ means fair market value of the exemptioner’s equity or unencumbered interest in the property;” Conn. Gen. Stat. [§ 52-352a\(1\)](#)
- “‘Necessary’ means reasonably required to meet the needs of the exemptioner and his or her dependents including any special needs by reason of health or physical infirmity;” Conn. Gen. Stat. [§ 52-352a\(2\)](#)
- “‘Exempt’ means, unless otherwise specified, not subject to any form of process or court order for the purpose of debt collection;” Conn. Gen. Stat. [§ 52-352a\(3\)](#)
- “‘Exemptioner’ means the natural person entitled to an exemption under this section or section 52-352b;” Conn. Gen. Stat. [§ 52-352a\(4\)](#)
- “‘Homestead’ means owner-occupied real property, co-op or mobile manufactured home, as defined in subdivision (1) of section 21-64, used as a primary residence. Conn. Gen. Stat. [§ 52-352a\(5\)](#)
- “‘Property’ means any real or personal property in which the judgment debtor has an interest which he could assign or transfer, including (A) any present or future right or interest, whether or not vested or liquidated, (B) any debt, whether due or to become due, and (C) any cause of action which could be assigned or transferred.” Conn. Gen. Stat. [§ 52-350a\(16\)](#) (2023).
- “(a) If a judgment is unsatisfied, the judgment creditor may apply to the court for an execution and an order in aid of the execution directing the judgment debtor, or any third person, to transfer to the levying officer either or both of the following: (1) Possession of specified personal property that is sought to be levied on; or (2) possession of documentary evidence of title to property of, or a debt owed to, the judgment debtor that is sought to be levied on.  
(b) The court may issue a turnover order pursuant to this section, after notice and hearing or as provided in subsection (c) of this section, on a showing of need for the order. If the order is to be directed against a third person, such person shall be notified of his right pursuant to section 52-356c to a determination of any interest claimed in the property.  
(c) The court may issue a turnover order against a judgment debtor, without notice or hearing, upon affidavit by the judgment creditor or another competent affiant stating facts from which the court concludes that there is a reasonable likelihood that the judgment debtor is about to remove the

property from the state or is about to fraudulently dispose of the property with intent to hinder, delay or defraud his creditors. The court shall expeditiously hear and determine any motion by the judgment debtor to dissolve such an ex parte order.

(d) Unless directed to a person who is before the court, any turnover order shall be personally served and shall contain a notice that failure to comply therewith may subject the **person served to being held in contempt of court.**" Conn. Gen. Stat. [§ 52-356b](#) (2023).

- **"Where a dispute exists between the judgment debtor or judgment creditor and a third person concerning an interest in personal property sought to be levied on, or where a third person claims that the execution will prejudice his superior interest therein, the judgment creditor or third person may, within twenty days of service of the execution or upon application by the judgment creditor for a turnover order, make a claim for determination of interests pursuant to this section."** Conn. Gen. Stat. [§ 52-356c\(a\)](#) (2023).

SEE ALSO:

- [Table 2: Exempt Property](#)
- [Figure 1: Application for Turnover Order](#)

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-352b. Exempt property.
  - § 52-353. Levy on and sale of personal property exempt to a certain amount.
  - § 52-356a. Execution against certain nonexempt personal property.
  - § 52-356b. Court order for transfer of specified property or evidence. *[Turnover order]*
  - § 52-356c. Determination of interests in disputed property.
  - § 52-356d. Installment payment order.
  - § 52-361b. Notification of judgment debtor's rights. Claim for exemption or modification.
  - § 52-400a. Protective order by court. Execution against specified property.
  - § 52-400b. Penalty for failure to comply with certain court orders.
  - § 52-400c. Attorney's fees.
  - § 52-400d. Appeal of certain court decisions.

LEGISLATIVE:

- Michelle Kirby, Connecticut Homestead Laws, Connecticut General Assembly, Office of Legislative Research Report, [2022-R-0150](#) (August 2, 2022).
- Christopher Reinhart, Enforcing Small Claims Judgments, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment
  - § [24-32](#). Execution in Small Claims Actions

## RECORDS & BRIEFS:

- Connecticut Appellate Court Records and Briefs (December 2005).  
[Sarasota CCM, Inc. v. Golf Marketing, LLC](#), 94 Conn. App. 34, 891 A.2d 72 (2006). [[Figure 1](#)]

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - 17-014 - Motion to Turn Over Assets (Personal Property)
- [JD-CV-5c](#) — Property Execution Proceedings, Claim For Determination of Interests

### [Figure 1](#) — Application for Turnover Order in Aid of Execution

- See also: 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25:12 Application for order in aid of execution

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [In re Cole](#), 347 Conn. 284, 297 A.3d 151 (2023). "The trustee appealed from the decision of the Bankruptcy Court to the United States District Court for the District of Connecticut. The District Court indicated that it was inclined to agree with the conclusion of the Bankruptcy Court that P.A. 21-161, § 1, applies to preexisting debts in any bankruptcy proceeding brought on or after the effective date. Nevertheless, the District Court determined that the absence of an authoritative state court decision, the importance of the issue, and the capacity of certification to resolve the litigation all counseled for certification of the question to this court. The District Court therefore certified to this court the question of '[w]hether [P.A.] 21-161 applies retroactively to debts incurred by the debtor before [P.A.] 21-161 took effect or prospectively.' We accepted certification but, pursuant to General Statutes § 51-199b(k), and for the reasons discussed in part II B 3 of this opinion, we will answer a slightly modified version of the certified question: does the expanded homestead exemption contained in P.A. 21-161, § 1, apply in bankruptcy proceedings filed on or after the effective date of the act to debts that accrued prior to that date? We answer that question in the affirmative.
- [Colon-Collazo v. Cox](#), 193 Conn. App. 251, 257, 219 A.3d 512 (2019). "The plain language of § 52-361b(d) provides that a judgment debtor may claim an exemption by returning a

signed exemption claim form indicating the property claimed to be exempt. The use of the words 'may' in the statute denotes that claiming an exemption is permissive conduct on the part of the judgment debtor. See [Lostritto v. Community Action Agency of New Haven, Inc.](#), 269 Conn. 10, 20, 848 A.2d 418 (2004) (generally 'may' imports permissive conduct and conferral of discretion). That same subsection provides that a judgment debtor 'shall' return a signed claim form, which suggests that the legislature intended to mandate a procedure that a judgment debtor must follow in order to make a claim for an exemption. See *id.* (when legislature uses 'shall' and 'may' in same statute, those words 'must then be assumed to have been used with discrimination and a full awareness of the difference in their ordinary meanings' [internal quotation marks omitted]); see also [Bailey v. State](#), 65 Conn. App. 592, 604, 783 A.2d 491 (2001) (absent indication to contrary, use of mandatory term 'shall' indicates mandatory legislative directive).

'The test to be applied in determining whether a statute is mandatory or directory is whether the prescribed mode of action is the essence of the thing to be accomplished, or in other words, whether it relates to a matter of substance or a matter of convenience.... If it is a matter of substance, the statutory provision is mandatory. If, however, the legislative provision is designed to secure order, system and dispatch in the proceedings, it is generally held to be directory, especially where the requirement is stated in affirmative terms unaccompanied by negative words.' (Internal quotation marks omitted.) [Katz v. Commissioner of Revenue Services](#), 234 Conn. 614, 617, 662 A.2d 762 (1995).

In our view, the returning of the claim form is an essential part of the process mandated by the statutory subsection. The return of the exemption claim form gives the judgment creditor notice of the dispute as to ownership of the seized property and provides the judgment debtor with an opportunity for a hearing to resolve the dispute. General Statutes § 52-361b(d). Pending the hearing on such claim, the execution is stayed and the marshal cannot dispose of the assets. General Statutes § 52-361b(e). Thus, the language of § 52-361b(d) makes clear that if a judgment debtor chooses to claim an exemption, the judgment debtor must return the exemption claim form."

WEST KEY  
NUMBERS:

- **Creditors' Remedies**
  - II. Property or Other Subject Matter Which Creditors May Reach, k21-k100
  - (A) Ownership or Possession of Subject Matter, k71-k100
    - VI. Particular Remedies--Execution, k321-640
    - VIII. Particular Remedies—Supplementary Proceedings and Similar Remedies in Aid of Execution, k931-k1000
      - k936 Order for payment or delivery of property, turnover
- **Judgment**
  - XIX. Suspension, Enforcement, and Revival

k851-k872

ENCYCLOPEDIAS:

- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
  - VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
    - E. Remedies Available
      - 5. Application of Property to Satisfaction of Judgment
        - § 549. Turnover orders.
        - § 552. Exemptions.

TEXTS &  
TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 10 – Prejudgment Remedies.
    - Sec. 111 – Property exempt from prejudgment remedies
  - Chapter 18 – Enforcement of judgements
    - Sec. 209 – Property subject to or exempt from execution
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 25 Enforcing Court Judgments—Executions
    - § 25: 1(i) Exemptions from execution—Claim form
      - o § 25: 3 Exemptions from execution
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
  - Chapter 5, Debt Collection, by Jeanine M. Dumont.

# Section 7: Judgment Liens

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning judgment liens.

## TREATED ELSEWHERE:

- [Mechanics' Liens in Connecticut](#)
- [Foreclosure of Condominium Liens in Connecticut](#)
- [Foreclosure of Mortgages in Connecticut](#)

## DEFINITIONS:

- “‘Property’ means any real or personal property in which the judgment debtor has an interest which he could assign or transfer, including (A) any present or future right or interest, whether or not vested or liquidated, (B) any debt, whether due or to become due, and (C) any cause of action which could **be assigned or transferred.**” Conn. Gen. Stat. [§ 52-350a\(16\)](#) (2023).
- “**The plaintiff uses the terms ‘attachment’ and ‘judgment lien’ interchangeably.** Attachment of real estate is governed by General Statutes § 52-285, while judgment liens are recorded pursuant to General Statutes § 52-380a. While the purpose of both is to secure an interest in real estate for a creditor, the terms are **not to be confused.**” [Bachyrycz v. Gateway Bank](#), 30 Conn. App. 52, 53 n.1, 618 A.2d 1371 (1993).
- Notice. “**When a lien is placed on any property or when any postjudgment paper, other than a wage execution or property execution levied against property of a natural person, is served on a third person, the judgment creditor shall send a copy of the lien, or of the papers so served, together with a statement as to where the lien was filed or on whom the papers were served, to the judgment debtor at his last-known address by first class mail, postage prepaid.**” Conn. Gen. Stat. [§ 52-351a](#) (2023).
- Judgment lien on personal property. “**Except in the case of a consumer judgment, a judgment lien, securing the unpaid amount of any money judgment, including interest and costs, may be placed on any nonexempt personal property in which, by a filing in the office of the Secretary of the State, a security interest could be perfected under title 42a...**” Conn. Gen. Stat. [§ 52-355a](#) (2023).
- Judgment lien on real property. “**A judgment lien, securing the unpaid amount of any money judgment, including interest and costs, may be placed on any real property by recording, in the town clerk’s office in the town where the real property lies, a judgment lien certificate, signed by the judgment creditor or his attorney or personal representative, containing . . .**” Conn. Gen. Stat. [§ 52-380a\(a\)](#) (2023).

Relation back to attachment. "From the time of the recording of the judgment lien certificate, the money judgment shall be a lien on the judgment debtor's interest in the real property described. If, within four months of judgment, the lien is placed on real property which was previously attached in the action, the lien on that property shall hold from the date of attachment, provided the judgment lien certificate contains a clause referring to and identifying the attachment, substantially in the following form. . ." Conn. Gen. Stat. [§ 52-380a\(b\)](#) (2023).

- Foreclosure of liens. "A judgment lien on real property may be foreclosed or redeemed in the same manner as mortgages on the same property. In the case of a consumer judgment, the complaint shall indicate whether, pursuant to an installment payment order under subsection (b) of section 52-356d, the court has entered a stay of execution and, if such a stay was entered, shall allege any default on an installment payment order which is a precondition to foreclosure. No action to foreclose a judgment lien filed pursuant to this section may be commenced unless an execution may issue pursuant to section 52-356a. The judgment lien shall expire twenty years after the judgment was rendered, except any judgment lien recorded with respect to a small claims action shall expire ten years after the judgment was rendered, unless the party claiming the lien commences an action to foreclose it within that period of time and records a notice of lis pendens in evidence thereof on the land records of the town in which the real property is located." Conn. Gen. Stat. [§ 52-380a\(c\)](#) (2023).
- "In a motion for judgment of foreclosure, the amount of the judgment lien to attach to the property is calculated by taking the fair market value, less the amount of any superior liens and the amount of the Homestead exemption. *Unifund CCR Partners v. Scheappi*, Superior Court, judicial district of Hartford, Docket No. CV-06-5007258-S (March 20, 2008, Satter, J.T.R.) [45 Conn. L. Rptr. 221]. The positive equity left in the property is what the judgment lien can attach to." [Profetto v. Lombardi](#), Superior Court, Judicial District of New Britain at New Britain, No. CV136023235S (March 5, 2015) (2015 WL 1427503).

SEE ALSO:

- [Table 2: Exempt Property](#)
- [Table 5: Expiration of Liens](#)
- [Table 6: Duration of Attachment Liens After Judgment](#)

TIPS:

- The *Connecticut Lawyers' Deskbook* (3rd ed., 2008) is a useful place to start for practical advice on the procedures concerning collecting money judgments. The *Deskbook* also lists common pitfalls one may encounter in the process.

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 821 – Land Titles](#)
  - § 47-36. Federal claim or judgment to be recorded.
- [Chapter 847 – Liens](#)
  - § 49-51. Discharge of invalid lien.
  - § 49-92s. Provision of payoff statement by judgment lienholder. Imposition of fee or charge for first payoff statement, when allowed.
- [Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-351a. Notice of enforcement action to be given judgment debtor.
  - § 52-352b. Exempt property.
  - § 52-355a. Judgment lien on personal property.
  - § 52-380a. Judgment lien on real property.
  - § 52-380b. Judgment lien on certain public utility property.
  - § 52-380c. Judgment liens expired by limitation of time.
  - § 52-380d. Release of judgment lien on real or personal property. Form.
  - § 52-380e. Discharge of judgment lien on substitution of bond or lien on other property.
  - § 52-380f. Discharge of judgment lien from property not needed to secure judgment.
  - § 52-380g. Release of judgment lien on satisfaction of judgment.
  - § Sec. 52-380h. Form of judgment lien foreclosure certificates.
  - § Sec. 52-380i. Foreclosure of lien when plaintiff holds mortgage.

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 24 Judgments
    - § 24:22 Judgment lien on real property
    - § 24:24 Foreclosure of judgment lien
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - Form 17-001 — Judgment Lien on Real Estate
  - Form 17-002 — Judgment Lien on Personal Property
  - Form 17-003 — Judgment Lien on Boat
  - Form 17-035 — Release of Lien

## CASES:

- [Cliff's Auto Body, Inc. v. Grenier](#), 179 Conn. App. 820, 829–30, 181 A.3d 138, 143 (2018). “In the present case, the judgment lien placed on the property on January 2, 2009, was predicated on the December 30, 2008 judgment in the debt collection action. In the decedent’s appeal, this court determined that the debt collection judgment was not a final judgment because the rate of interest had not been set. The

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plaintiff failed to open timely the debt collection judgment to obtain an award that set the rate of prejudgment interest. Moreover, for the sake of argument only, even if the plaintiff timely had opened the debt collection judgment and had obtained a judgment that incorporated the rate of interest, in order to obtain a valid judgment lien, it was required to file a new judgment lien on the property. There is no evidence that the plaintiff has filed a judgment lien on the property since January 2, 2009.”

- [Profetto v. Lombardi](#), 164 Conn. App. 658, 661-662, 137 A.3d 922 (2016). “The defendant had claimed that the foreclosure of a **judgment lien was permitted for ‘money judgments’** only, and that the court’s order in the dissolution judgment was not a **‘money judgment.’** The court determined that the order at issue was not alimony or **any other type of ‘family support judgment,’** but, rather, was a judgment for a sum certain with interest **and therefore a ‘money judgment.’** Accordingly, the court concluded that the judgment could be enforced by the foreclosure of a judgment lien pursuant to General Statutes § 52-350f, that the court had subject matter jurisdiction over the parties’ controversy, and that the trial was to continue as scheduled.”
- [Profetto v. Lombardi](#), Superior Court, Judicial District of New Britain at New Britain, No. CV136023235S (March 5, 2015) (2015 WL 1427503) (2015 Conn. Super. LEXIS 487). “In a motion for judgment of foreclosure, the amount of the judgment lien to attach to the property is calculated by taking the fair market value, less the amount of any superior liens and the amount of the Homestead exemption. *Unifund CCR Partners v. Scheappi*, Superior Court, judicial district of Hartford, Docket No. CV-06-5007258-S (March 20, 2008, Satter, J.T.R.) [45 Conn. L. Rptr. 221]. The positive equity left in the property is what the judgment lien can attach to.”
- *Chace Bldg. Supply of Conn., Inc. v. Panciera*, Superior Court, Judicial District of Tolland at Rockville, No. TTDCV126005387S (April 24, 2013) (2013 WL 2131757) (2013 Conn. Super. LEXIS 921). “In [First New Haven National Bank v. Rowan](#), supra, the Appellate Court held that, because foreclosure is an equitable remedy, the trial court in an action to foreclose a judgment lien may deny a plaintiff that remedy if the judgment debtor is current with respect to an order of payments issued ancillary to the antecedent money judgment, *Id.*, 118-19. In other words, compliance with the installment payments order is a viable defense to an action to foreclose a judgment lien, even when that order of payments is part of a stipulated judgment, *Id.*, 115, fn 3. But the defendant in the present case cannot find refuge from foreclosure of the judgment lien on his property under the *First New Haven* case, supra, precisely because he failed to make the requisite payments. His delinquency renders the *First New Haven* case, supra, inapposite because that precedent is premised on the inequity of foreclosing the lien

against someone who is abiding by the terms of the stipulated judgment rather than breaching that agreement.

The plaintiff is, therefore, entitled to summary judgment, as to liability only, as a matter of law. The motion is granted.”

- [Moran v. Morneau](#), 140 Conn. App. 219, 227, 57 A.3d 872, 876 (2013). “There is no legal basis for relating either the judgment lien or the prejudgment attachment back to the filing of the notice of constructive trust.”
- [Warner v. Brochendorff](#), 136 Conn. App. 24, 26, 43 A.3d 785 (2012). “The plaintiff...brought the present action to foreclose a judgment lien on certain property in Salisbury owned by the defendant.... The trial court, after reducing the amount of the underlying judgment, rendered a judgment of foreclosure by sale (foreclosure judgment) in favor of the plaintiff. The plaintiff appeals from the foreclosure judgment, claiming that the court improperly permitted a collateral attack on the underlying judgment... We agree with the plaintiff and, accordingly, reverse the foreclosure judgment of the trial court.”
- [Webster Bank, N.A. v. Bendzinski](#), Superior Court, Judicial District of New Britain at New Britain, Docket No. CV-12-6015007 (Oct. 12, 2012) (54 Conn. L. Rptr. 805) (2012 WL 5476884) (2012 Conn. Super. LEXIS 2566). “The court there noted, citing [Mac's Car City, Inc. v. DiLoreto](#), 238 Conn. 172, 179, 679 A.2d 340 (1996), that our appellate courts have construed the judgment lien statute as intended to protect the interests of the judgment creditor, except for the time limitation period for filing a judgment lien [which] . . . is intended to protect judgment debtors. This court concurs with Judge West's conclusion that there is no good reason that failure to comply with the address provision, meant for a creditor's protection, should invalidate a creditor's judgment lien.” [Internal quotation marks omitted.]
- [Kopylec v. Town of North Branford](#), 130 Conn. App. 146, 161, 23 A.3d 51 (2011). “The adequacy of the notice provided by a lien certificate varies according to the type of lien that the certificate is intended to secure. See [PNC Bank, N.A. v. Kelepecz](#), supra, 289 Conn. at 701, 960 A.2d 563. The recordation of certain types of liens is governed by statute, and, consequently, many lien certificates must incorporate certain statutorily specified information. See, e.g., General Statutes § 49–34 (mechanic's liens); General Statutes § 52–380a (judgment liens). The appellate courts of this state have had occasion to examine statutory lien certificates in order to ascertain whether they provide adequate notice to third parties. See, e.g., [PNC Bank, N.A. v. Kelepecz](#), supra, at 701–702, 960 A.2d 563. These cases are inapposite, however, as we have concluded that the lien presently at issue is not a statutory lien.”

- [Unifund CCR Partners v. Schaeppi](#), 126 Conn. App. 370, 381, **11 A.3d 723 (2011)**. “The court, however, concluded that the June 19, 2006 judgment was for no amount, and, that as a matter of law, a judgment for no amount, underlying a judgment lien for another specific amount, cannot be the basis of a foreclosure action. Our plenary review of this claim, as well as the record and briefs, in the light most favorable to the plaintiff, leads us to the same conclusion **as the court.**”
- [Canty v. Otto](#), Judicial District of Hartford at Hartford, Docket No. HHD-CV-09-5028152-S (Apr. 9, 2010) (49 Conn. L. Rptr. 613) (2010 WL 1888706) (2010 Conn. Super. LEXIS 895). “[Trolley & Bus Employees Credit Union v. Hill](#), supra, 145 Conn. 336, holds that all the property of a defendant may be attached to satisfy a money judgment. A joint tenant, however, only holds an undivided one-half interest in the jointly-held property. If the creditor of one of the joint tenants executes a judgment lien, the joint tenancy is severed and the creditor becomes a tenant in common with the remaining tenants. Under those circumstances, the creditor then obtains the one-half interest in the resulting estate formerly held by the tortfeasor spouse. Thus, a court may order the attachment of real property held jointly by a tortfeasor and his or her nontortfeasor, but the amount of the attachment is limited to the tortfeasor’s one-half undivided **interest in that property.**”
- [PNC Bank, N.A. v. Kelepecz](#), 289 Conn. 692, 701, 960 A.2d **563 (2008)**. “Moreover, we are not persuaded by Szondy’s reliance on cases in which this court has invalidated mechanic’s liens for failure to comply with the applicable statute. Keeping in mind that the purpose of the land records is to give constructive notice to the world of instruments recorded therein; [Cowles v. Bacon](#), 21 Conn. 451, 463 (1852); we conclude that the nature of mechanic’s liens is sufficiently distinguishable from the nature of judgment liens so as to make cases involving mechanic’s liens inapplicable to the present case. A judgment lien is based on a judicial determination of the amount of the debt owed by the debtor to the creditor and can be independently verified by checking judicial records. A mechanic’s lien, on the other hand, is based on a contractor’s representation of the amount owed and cannot be independently verified. It follows, therefore, that certain information that may be critical to the enforceability of a mechanic’s lien may not be critical to the enforcement of a judgment lien because court records are available as an additional source for necessary information to the judgment lien.”
- [Lienfactors, LLC v. Crandall](#), Judicial District of New London at New London, Docket No. CV 07 5002929 (Oct. 2, 2008) (2008 WL 4635876) (2008 Conn. Super. LEXIS 2507). “In addition, General Statutes § 52-**380a(c) provides that ‘a judgment lien on real property may be foreclosed or redeemed in the same manner as mortgages on the same property.’ ‘In a mortgage foreclosure action, [t]o make out its**

prima facie case, [the foreclosing party] ha[s] to prove by a preponderance of the evidence that it was the owner of the note and mortgage and that [the mortgagor] ha[s] defaulted on the note.' (Internal quotation marks omitted.) [Franklin Credit Management Corp. v. Nicholas](#), 73 Conn. App. 830, 838, 812 A.2d 51 (2002), cert. denied, 262 Conn. 937, 815 A.2d 136 (2003). In the present case, the plaintiff failed to meet its burden of demonstrating that the defendant defaulted on the installment payments. Therefore, the plaintiff failed to make out its prima facie case. . . . Furthermore, the special defense of payment is a recognized defense to a foreclosure **action.**"

- [Lucas v. Deutsche Bank National Trust Co.](#), 103 Conn. App. 762, 767-768, **931 A.2d 378 (2007)**. "Although we note that the plaintiff filed a timely *appeal* of the court's order discharging the judgment lien, he did not file a motion for review of the order terminating the appellate stay. Practice Book § 61-14 provides that the sole remedy for review of a court's granting of a motion to terminate a stay of execution is to file a motion for review. . . .Without a valid stay in effect, the defendant was able to perfect the court's order of discharge by recording it on the West Hartford land records. Section 49-51 (b) provides that when a lien is discharged by the court, a certified copy of the discharge recorded on the land records of the town where the certificate of lien was filed fully discharges the lien. The defendant's July 17, 2006 recording thereby fully discharged the lien pursuant to the plain language of § 49-51 (b). There is, therefore, no longer a lien the validity of which can be challenged on appeal. . . This renders the plaintiff's appeal **moot.**"
- [Lienfactors, LLC v. Beebe](#), Judicial District of Stamford-Norwalk at Stamford, Docket No. FST CV 06 4007993 (March 30, 2007) (43 Conn. L. Rptr. 184) (2007 WL 1121570) (2007 Conn. Super. LEXIS 873). "**General Statutes § 52-380a(c) provides that 'No action to foreclose a judgment lien filed pursuant to this section [referring to § 52-380a(a)] may be commenced unless an execution may issue pursuant to Section 52-356a.'** Section 52-356a authorizes a clerk of the court to issue an execution against non-exempt personal property on the basis of an unsatisfied money judgment only after any stay of enforcement has expired. As pointed out above, that stay of execution established by Practice Book 361 (now Section 17-28) **has not expired.**"
- [Raccone v. Bringnole](#), Superior Court, Judicial District of Hartford at Hartford, No. CV05-4013688-S (Jan. 27, 2006) (40 Conn. L. Rptr. 652) (2006 WL 360883) (2006 Conn. Super. LEXIS 301). "The issue presented here is whether the improvements made by Raccone to the house owned by his wife create an equitable interest in the property for Raccone that may be subject to a lien by a creditor."

"At no time did title of the house pass to or from Raccone in order to avoid satisfying the judgment against Raccone or

any other debt or for any other reason.” (p. 653).

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [All Seasons Services, Inc. v. Guildner](#), 89 Conn. App. 781, 785, **878 A.2d 370 (2005)**. “The defendant's first claim is that the filing of a judgment lien is a proceeding to enforce or to carry out the judgment that violates the automatic appellate stay under Practice Book § 61-11 (a). **We disagree.**”
- [KLC, Inc. v. Trayner](#), 426 F.3d 172, 177 (2nd Cir. 2005). “At the same time, the Connecticut Superior Courts, instead of holding that judgment liens must first be subtracted from the fair market value of the property, uniformly allow the homestead exemption before ordering foreclosure on a judgment lien. See *Konover Constr. Corp. v. Silberstein*, 2003 WL 21805576 (Conn. Super. Ct. July 22, 2003), 2003 Conn. Super. LEXIS 2076, (determining defendant's homestead up to a value of \$75,000 was exempt from a judgment lien); *Martone-Rosato v. Guardiano-Neizwanger*, No. CV000438713 (2001), 2001 Conn. Super. LEXIS 1294, at (same); see also *Phillips v. Phillips*, 2004 WL 503905 (Conn. Super. Ct. Feb.25, 2004), 2004 Conn. Super. LEXIS 456, (implying that property would have been exempt from a judgment lien had the defendant shown that such property was his primary residence).”
- [Moasser v. Becker](#), 78 Conn. App. 305, 315, 828 A.2d 116 (2003). “An examination of our own statutes reveals a legislative intent to achieve the conformity necessary to make the procedures for the recording of state judgment liens applicable to in-state federal judgment liens under 28 U.S.C. § 1962. Pursuant to General Statutes § 52-380a (a), a judgment lien attaches to the real property of a judgment debtor when the judgment creditor records a judgment lien certificate in the office of the clerk of the town in which the **real property lies. A lien so recorded 'may be foreclosed or redeemed in the same manner as mortgages on the same property. . . .' General Statutes § 52-380a (c)**. By virtue of General Statutes § 47-36, enacted in 1953, the legislature has authorized federal court judgments to be recorded in a town's records and indexed and released in the same manner as state court judgments, thus achieving the conformity anticipated by 28 U.S.C. § 1962.”
- [Constantini v. Willinger, Willinger & Bucci](#), Superior Court, Judicial District of Fairfield at Bridgeport, No. CV01-0381444S (August 13, 2001) (2001 WL 1044624) (2001 Conn. Super. LEXIS 2371). “Upon the application of the plaintiff to discharge a lien placed by the defendant upon property known as 26 Old Field Road, Trumbull, in order to secure payment on a judgment against the plaintiff's former spouse, the court finds that at no time did the former spouse have legal or equitable title to said property which from the time of purchase was solely in the name of the plaintiff. Therefore, it is the order of the court that said judgment lien in the amount of \$ 6,862.08 dated January 28, 1999, and recorded in Volume 995 at page 230 of the Trumbull land records be

and is hereby released.”

- [Mac's Car City, Inc. v. Diloreto](#), 238 Conn. 172, 180, 679 A.2d 340 (1996). “We conclude, therefore, that, in order to effectuate the legislature's intent of ‘fix[ing] a reasonable limit upon the duration of attachments’; *Hayes v. Weisman*, supra, 97 Conn. 391; a judgment lien will relate back to a prejudgment attachment only if the judgment lien is filed within four months of the judgment of the trial court, regardless of the possible pendency of an appeal.”
- [Union Trust Co. v. Heggelund](#), 219 Conn. 620, 621, 594 A.2d 464 (1991). “The dispositive issue in this case is whether, under General Statutes 52-380a (b), the entire amount of a judgment lien relates back to the date of a prior attachment, or whether the relation back is limited to the amount of the attachment”

“We held in [Hubbell](#) that an attachment of real estate creates a lien only for the amount that it directs the officer to attach, although the later judgment for which the attachment furnishes security may be for a larger amount.” (p. 623)

- [First New Haven National Bank v. Rowan](#), 2 Conn. App. 114, 118-119, 476 A.2d 1079 (1984). “A trial court has discretion, after a review of the equities, to withhold foreclosure. [Lettieri v. American Savings Bank](#), 182 Conn. 1, 12, 437 A.2d 822 (1980); [Hamm v. Taylor](#), 180 Conn. 491, 497, 429 A.2d 946 (1980). Certainly one of the equities in an action for foreclosure of a judgment lien is the fact that the debtor is not in default of the terms ordered as payment of the judgment. If a judgment of foreclosure of a mortgage would not be rendered when the mortgage payments are current, a judgment of foreclosure of a judgment lien should not be rendered without a full hearing on the merits of whether the payments on the judgment are current. See [Hughes v. Contemporary Mission, Inc.](#), 180 Conn. 150, 429 A.2d 827 (1980).”

WEST KEY  
NUMBERS:

- Judgment  
XV. Lien  
k752-k802

DIGESTS:

ALR Digest: - *Creditors' Remedies*  
- *Judgment*

ENCYCLOPEDIAS:

- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).
  - II. Execution and Levy, Generally
    - D. Property Subject to Execution
      - 1. In General
        - § 118. Property of debtor subject to execution.
        - 4. Particular Kinds of Property
    - B. Intangible Property
      - § 136. Judgments; judgment liens.
    - L. Redemption

Encyclopedias and ALRs are available in print at some law library locations and accessible online at all law library locations.

Online databases are available for in-library use. Remote access is not available.

- 5. Effect of Redemption
  - § 303. Reinstatement of judgment lien.
- B. Title, Rights, Remedies, and Obligations of Purchaser
  - 2. Outstanding Interests
    - A. Outstanding Interests, in General
      - § 405. Judgment and execution liens.
- VI. Postjudgment Garnishment and Other Supplementary Proceedings and Remedies
  - E. Remedies Available
    - 5. Application of Property to Satisfaction of Judgment
      - § 552. Exemptions.
- IX. Enforcement of Judgments in Favor of and Against the United States
  - A. Judgments in Favor of United States
    - § 735. Judgment in favor of the United States as creating lien.

- 46 *Am Jur 2d* Judgments, Thomson West, 2017 (Also available on Westlaw).
  - V. Lien of Judgment or Execution
    - §§ 328-363.
  - VI. Dormancy; Revival or Renewal
    - §§ 364-409.
- 51 *Am Jur 2d* Liens, Thomson West, 2021 (Also available on Westlaw).
- 50 *CJS* Judgments, Thomson West, 2021 (Also available on Westlaw).
  - XV. Lien of Judgment
    - §§ 743-814.
- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.
  - Chapter 18 – Enforcement of Judgments.
    - Sec. 208 – Judgment Lien
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).
  - Chapter 24 Judgments
    - § 24: 23 Foreclosure of judgment lien—Commentary
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.
  - Chapter 5, Debt Collection, by Jeanine M. Dumont.
- Connecticut Bar Association, *Connecticut Standards of Title* (1999 ed.).
  - Chapter XVI. Attachments and Judgment Liens
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.

## TEXTS & TREATISES

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

Chapter 17: Commentary — Postjudgment Procedures

- *Settlement of Estates in Connecticut*, 3d, 2023 ed., by Daniel G. Johnson & Jessie A. Gilbert, Thomson Reuters, 2023.

Chapter 8. Suits and Claims

V. Effect of Death on Actions and Rights of Action  
§ 8:242. Effect of death of defendant on attachment liens and executions

VI. Enforcement of Claims—Suits Affecting Estates

§ 8:310. Actions by and against fiduciaries—

Enforcement of judgment—attachment, execution and judgment lien

§ 8:311. Actions by and against fiduciaries—

Enforcement of judgment—Levy of execution

§ 8:312. Actions by and against fiduciaries—

Enforcement of judgment—Judgment lien

§ 8:313. Actions by and against fiduciaries—

Enforcement of judgment—Judgment lien—

Establish liability

§ 8:314. Actions by and against fiduciaries—

Enforcement of judgment—Judgment lien—

Attachment

§ 8:315. Actions by and against fiduciaries—

Enforcement of judgment—Judgment lien—

Garnishment

PAMPHLETS:

- [How Small Claims Court Works - Section 6: Collecting the Judgment](#) (Connecticut Judicial Branch)
- [When may a judgment lien be placed on real property \(real estate\)?](#) (Connecticut Judicial Branch Small Claims FAQ)  
[See: Question 26]

Table 5: Expiration of Liens

Expiration of Liens
<ul style="list-style-type: none"> <li>Conn. Gen. Stat. <a href="#">§ 52-355a(c)</a> (2023)</li> </ul> <p>“(c) Any such [personal property] judgment lien shall be effective, in the same manner and to the same extent as a similar security interest under the provisions of title 42a, for five years from the date of filing, provided the filing shall not give the judgment creditor any right to take possession of the personal property on which the lien has been placed other than by writ of execution or other judicial process. The lien may be extended for additional five-year periods in the same manner as a financing statement may be extended but shall not be extended beyond the period of enforceability of the judgment. Any such property on which a lien has been placed may be executed against and levied on by the judgment creditor in the same manner as other personal property of the judgment debtor. The fact that a judgment creditor has no right under this subsection to take possession of the personal property on which the lien has been placed other than by writ of execution or other judicial process shall not be a defense in a conversion action brought by such judgment creditor for impairment of such judgment lien.”</p>
<ul style="list-style-type: none"> <li>Conn. Gen. Stat. <a href="#">§ 52-380a(c)</a> (2023)</li> </ul> <p>“...The [real property] judgment lien shall expire twenty years after the judgment was rendered, except any judgment lien recorded with respect to a small claims action shall expire ten years after the judgment was rendered, unless the party claiming the lien commences an action to foreclose it within that period of time and records a notice of lis pendens in evidence thereof on the land records of the town in which the real property is located.”</p>
<ul style="list-style-type: none"> <li>Conn. Gen. Stat. <a href="#">§ 52-380a(c)</a> (2023)</li> </ul> <p>“Any judgment lien which has expired for failure to comply with the time limitations of section 52-380a is automatically extinguished and the continued existence of the lien unreleased of record in no way affects the record owner's title nor the marketability of the same.”</p>

Table 6: Duration of Attachment Liens after Judgment

Duration of Attachment Liens after Judgment
<p>* Conn. Gen. Stat. <a href="#">§ 52-328</a> (2023)</p> <p>(a) Except as provided in subsection (c) of this section, no personal estate which has been attached may be held to respond to the judgment obtained in the suit, either against the debtor or any other creditor, unless the judgment creditor takes out an execution and has it levied on the personal estate attached, or has demand made on the garnishee in cases of foreign attachment, within sixty days after final judgment, or, if such personal estate is encumbered by any prior attachment, unless the execution is so levied within sixty days after such encumbrance has been removed.</p> <p>(b) No real estate that has been attached may be held subject to the attachment to respond to the judgment obtained in the suit, either against the debtor or any other creditor, unless the judgment creditor places a judgment lien on the real estate within four months after a final judgment.</p> <p>(c) In case of a foreign attachment against an executor, administrator or trustee in insolvency, demand shall be made within the times limited in sections 52-389, 52-390 and 52-391.</p> <p>(d) In determining the periods within which the attaching creditor is so required to take out and levy execution, any time during which the issue or levy of an execution may be prevented or stayed by the pendency of a writ of error, or by an injunction or other legal stay of execution, shall be excluded from the computation.</p> <p>(Emphasis added.)</p>

# Section 8: Postjudgment Discovery

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning post judgment discovery remedies

## DEFINITIONS:

- **"A judgment creditor may obtain discovery** from the judgment debtor, or from any third person the judgment creditor reasonably believes, in good faith, may have assets of the judgment debtor, or from any financial institution to the extent provided by this section, of any matters relevant to satisfaction of the money judgment. The judgment creditor shall commence any discovery proceeding by serving an initial set of interrogatories, in a prescribed form containing such questions as to the assets and employment of the judgment debtor as may be approved by the judges of the Superior Court or their designee, on the person from whom discovery is sought. Service of an initial set of interrogatories relevant to obtaining satisfaction of a money judgment of a small claims session of the Superior Court may be made by sending such interrogatories by certified mail, return receipt requested, to the person from whom discovery is sought. . . ." Conn. Gen. Stat. [§ 52-351b\(a\)](#) (2023).
- **"On failure of a person served with** interrogatories to return, within the thirty days, a sufficient answer or disclose sufficient assets for execution, or on objection by such person to the interrogatories, the judgment creditor may move the court for such supplemental discovery orders as may be necessary to ensure disclosure including (1) an order for compliance with the interrogatories or (2) an order authorizing additional interrogatories. The judgment creditor may obtain discovery, including the taking of depositions, from any person served with interrogatories in accordance with procedures for discovery in civil actions without further order of the court. The court may order such additional discovery as justice requires provided the order shall contain a notice that failure to comply therewith may subject the **person served to being held in contempt of court.**" Conn. Gen. Stat. [§ 52-351b\(c\)](#) (2023).
- "Any party from whom discovery is sought may seek a protective order pursuant to section 52-400a." Conn. Gen. Stat. [§ 52-351b\(d\)](#) (2023).
- **"Any judgment debtor, an execution against whom has been** returned unsatisfied in whole or in part or who has failed to respond within thirty days to any postjudgment interrogatories served pursuant to section 52-351b, may be examined on oath, in the court location where the judgment was rendered, concerning his property and means of paying such judgment, before any judge of the Superior Court or before a committee appointed by such judge. Such examination shall be on questions put by the judgment creditor or his attorney, and may be ordered, on the

application of the judgment creditor on a form prescribed by the Office of the Chief Court Administrator . . ." Conn. Gen. Stat. § 52-397 (2023).

SEE ALSO:

- [Table 2: Exempt Property](#)

TIPS:

- The *Connecticut Lawyers' Deskbook* (3rd ed., 2008) is a useful place to start for practical advice on the procedures concerning collecting money judgments. The *Deskbook* also lists common pitfalls one may encounter in the process.
- The instructions along with the statutes and rules listed on the [official postjudgment forms](#) provide useful starting points for research.

STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website to confirm that you are using the most up-to-date statutes.

- Conn. Gen. Stat. (2023)  
[Chapter 906 – Postjudgment Procedures](#)
  - § 52-350a. Definitions.
  - § 52-351b. Discovery by judgment creditor.
  - § 52-397. Examination of judgment debtor.
  - § 52-398. Scope of inquiry; debtor not excused from answering.
  - § 52-399. Commitment of debtor for contempt.
  - § 52-400. Costs of examination.
  - § 52-400a. Protective order by court. Execution against specified property.
  - § 52-400b. Penalty for failure to comply with certain court orders.
  - § 52-400c. Attorney's fees.
  - § 52-400d. Appeal of certain court decisions.

LEGISLATIVE:

[Office of Legislative Research](#) reports summarize and analyze the law in effect on the date of each **report's** publication. Current law may be different from what is discussed in the reports.

- *Enforcing Small Claims Judgments*, Christopher Reinhart, Connecticut General Assembly, Office of Legislative Research Report, [2004-R-0143](#) (February 9, 2004).

COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)
  - § [13-20](#). Discovery Sought by Judgment Creditor.
  - § [17-52](#). Executions
  - § [24-30](#). Satisfying Judgment (Small Claims)
  - § [24-32](#). Execution in Small Claims Actions
- Federal Rules of Civil Procedure  
[Rule 69](#). Execution.
  - (a) (2) Obtaining Discovery.

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

### Connecticut Judicial Branch Official Forms

- [Forms you may need to collect on a civil judgment](#) (Connecticut Judicial Branch Civil Forms)
- [JD-CV-23](#) – Post Judgment Remedies Interrogatories
- [JD-CV-23a](#) – Interrogatories
- [JD-CV-54](#) –Application for Examination of Judgment Debtor and Notice of Hearing
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.
  - Form 17-018 — Motion to Compel Responses to Post Judgment Interrogatories
  - Form 17-019 — Motion for Sanctions for Failure to Disclose Assets (Sufficient To Satisfy Judgment)
  - Form 17-021 — Motion for Capias to Compel Examination of Judgment Debtor
  - Form 17-022 — Interrogatories for Examination of Judgment Debtor
  - Form 17-023 — Subpoena to Debtor
  - Form 17-024 — Motion for Sanctions (With **Demand for Attorney’s Fees**)
  - Form 17-025 — Motion for Supplemental Discovery
  - Form 17-026 — Subpoena to Third Party for Records of Debtor

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Krausman v. Liberty Mutual Insurance Company](#), 195 Conn. App. 682, 695, 227 A.3d 91 (2020). “The plaintiff argues, as she did before the trial court, that § 52-351b, which authorizes a judgment creditor to serve interrogatories on a judgment debtor, only requires the existence of a ‘money judgment’; there is no express requirement of a ‘final judgment’ in the statute. Even assuming that we agree with the plaintiff’s statutory construction, and that a party who has obtained an uncontested monetary judgment on one count of a multicount complaint properly may utilize the discovery procedures set forth in § 52-351b in such circumstances, such a construction simply does not help to resolve whether or when a party that is dissatisfied with the results of such procedures may seek appellate review. Our law is abundantly clear that appellate review must wait until there is a final judgment in the underlying action as to all counts of a complaint, which undisputedly has not yet occurred in the present case.”
- [Rheaume v. Rheaume](#), 156 Conn. App. 766, 774, 115 A.3d 1116 (2015). “A judgment debtor may seek a protective order from the court in situations where a judgment creditor is engaged in an illegal levy or some other collection practice in violation of state or federal law. See General Statutes § 52-400a (b); [Haworth v. Dieffenbach](#), 133 Conn. App. 773,

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784–85, 38 A.3d 1203 (2012). In *Haworth*, this court reversed the trial court's denial of a motion for a protective order after concluding that, as a matter of law, the judgment stipulated to by the parties was usurious and therefore, in violation of state law. *Haworth v. Dieffenbach*, supra, at 784–85, 38 A.3d 1203. The judgment creditor's attempt to collect the debt was therefore an illegal levy and this court concluded that a protective order should have been granted. *Id.*, at 784, 38 A.3d 1203. Thus, a judgment debtor who seeks a protective order is required to establish that the creditor's collection efforts amounted to an illegal levy or other practice in violation of the law.”

- [Mack Film Development, LLC et al. v. Benevolent Partners, L.P. et al.](#), Superior Court, Judicial District of Bridgeport at Bridgeport, No. CV104033543S (Feb. 6, 2014) (2014 WL 929702) (2014 Conn. Super. LEXIS 306). “The court thus concludes from its review of the relevant statutes and Superior Court decisions addressing this issue that it has wide discretion to either permit examination or restrict it as justice requires. The hearing before this court has provided sufficient basis for the court to identify assets in which the defendant debtor has or has had an interest or rights during the relevant time period and to craft an order tailored to locating those assets which fairly upholds the rights of both the creditor and the defendant debtor.”
- [Haworth v. Dieffenbach](#), 133 Conn. App. 773, 784, 38 A.3d 1203 (2012). “**Section 52–400a (b)** provides for a judgment debtor to come before the court to make a motion for a protective order when the judgment creditor is engaged in an illegal levy, allowing the court to grant the motion and to render the order as justice requires. We have concluded that the judgment to which the parties stipulated in 2000 is usurious as a matter of law and is therefore illegal. Enforcement of the stipulated judgment would also violate state law pursuant to § § 37–78 and 37–8. The plaintiffs are thus engaged in an illegal levy against the defendant. Because the judgment is usurious as a matter of law, it cannot stand. Therefore, under the facts of this case, justice requires that the court grant a protective order to bar the enforcement of the illegal judgment against the defendant.”
- [Credit One, LLC v. Martin](#), Superior Court, Judicial District of New Haven at New Haven, No. NNH CV08 5021699 S (March 18, 2010) (49 Conn. L. Rptr. 516) (2010 WL 1544949) (2010 Conn. Super. LEXIS 676). “**The court has been unable to find any case where the court sanctioned seeking asset disclosure prior to judgment . . . .**” (Emphasis added.)  
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“With respect to . . . tax returns . . . the court has reviewed 26 U.S.C. § 6103 and agrees with defendant that said tax **returns are privileged absent . . . extraordinary need.**”
- [Briggs v. Briggs](#), Superior Court, Judicial District of Stamford-Norwalk at Stamford, No. CV 07 026460 S (May 8, 2007).

“Additionally, although the plaintiffs, pursuant to General Statutes § 52-351b, did pursue some postjudgment discovery following the first action, the court has held that ‘§ 52-351b creates a proceeding that is separate and distinct from the prior adjudication leading to the judgment debt. . . .’ [Presidential Capital Corp. v. Reale](#), 240 Conn. 623, 633, 692 A.2d 794 (1997). Further, the defendant has provided no authority, nor could the court find any, holding that postjudgment discovery **effectively opens a final judgment.**”

- [Blue Beacon International, Inc. v. Tony's Long Wharf, Inc.](#) Superior Court, Judicial District of New Haven at New Haven, No. NNH CV 054016156 (September 1, 2006) (2006 WL 2677984) (2006 Conn. Super. LEXIS 2634) (2006). “Since the defendant is already subject to the statute that requires that the interrogatories be answered, this court does not find that a second supplemental order to answer the interrogatories is likely to ensure disclosure.

If the plaintiff is actually interested in ensuring compliance with post-judgment discovery, the plaintiff is entitled to make use of Conn. Gen. Stat. § 52-397, an effective statutory tool for obtaining post-judgment discovery of the [defendant’s] financial condition...”

- [All Seasons Services, Inc. v. Guildner](#), 89 Conn. App. 781, 787-788, 878 A.2d 370 (2005). “General Statutes § 52-351b sets forth the procedures for a judgment creditor to obtain discovery from a judgment debtor by serving postjudgment interrogatories on the debtor. Our Supreme Court has **determined that ‘[t]he primary purpose of § 52-351b is . . . to assist creditors in obtaining information concerning assets concealed by their judgment debtors.’** (Emphasis added.) [Presidential Capital Corp. v. Reale](#), 240 Conn. 623, 632, 692 A.2d 794 (1997). Once postjudgment interrogatories have been served on a judgment debtor, General Statutes § 52-397 **authorizes the examination of a judgment debtor ‘who has failed to respond within thirty days to any postjudgment interrogatories served pursuant to section 52-351b. . . .’**”
- [Presidential Capital Corp. v. Reale](#), 240 Conn. 623, 631, 692 A.2d 794 (1997). “The appellants’ argument finally comes down to a question of statutory construction. The inclusion in § 52-351b (d) of an opportunity to request a protective order prior to submitting to discovery does not signal a legislative intent that the denial of such an order constitutes a final judgment.”

WEST KEY  
NUMBERS:

- **Creditors’ Remedies**  
IX. Particular Remedies—Postjudgment Discovery  
k1001-k1040
- **Judgment**  
XIX. Suspension, Enforcement, and Revival  
k851-k872

DIGESTS:

ALR Digest: *Creditors' Remedies*

TEXTS &  
TREATISES:

You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the treatises cited.

References to online databases refer to in-library use of these databases.

- 2 *Stephenson's Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.  
Chapter 18 – Enforcement of Judgments.  
Sec. 219 – Discovery Post-Judgment
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25: 9 Postjudgment discovery—Commentary
- *Connecticut Lawyer's Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.  
Chapter 5, Debt Collection, by Jeanine M. Dumont.
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
Chapter 17: Commentary — Postjudgment Procedures
- *A Practical Guide to Discovery and Depositions in Connecticut*, 2nd ed., Sara R. Simeonidis, editor, Massachusetts Continuing Legal Education, 2021.  
Chapter 11. Other Discovery Rules and Devices  
§ 11.5. Postjudgment Discovery
- 30 *Am Jur 2d* Executions and Enforcement of Judgments, Thomson West, 2017 (Also available on Westlaw).  
§ 527. Postjudgment Discovery – Generally  
§ 528. -Federal court proceedings  
§ 529. Examination and hearing  
§ 530. Conduct and examination  
§ 531. Scope of examination  
§ 532. Impermissible inquiries  
§ 533. Assertion of privileges  
§ 534. -Privilege against self-incrimination  
§ 535. Protection against abuse of discovery

PAMPHLETS:

- [How Small Claims Court Works - Examination \(Asking questions\) of Judgment Debtor](#) (Connecticut Judicial Branch)
- [How do I collect money if I win my case?](#) (Connecticut Judicial Branch Small Claims FAQ, Question 23)

# Section 9: Expiration and Satisfaction of Judgments

A Guide to Resources in the Law Library

## SCOPE:

- Bibliographic resources concerning expiration of judgments and satisfaction of judgments

## DEFINITIONS:

- Execution or action upon judgment for money damages. Motion to revive judgment. "(a) No execution to enforce a judgment for money damages rendered in any court of this state may be issued after the expiration of twenty years from the date the judgment was entered and no action based upon such a judgment may be instituted after the expiration of twenty-five years from the date the judgment was entered, except that there shall be no time limitation on the issuance of such execution or the institution of such action if the judgment was rendered in an action to recover damages for personal injury caused by sexual assault where the party legally at fault for such injury was convicted of a violation of section 53a-70 or 53a-70a.

(b) No execution to enforce a judgment for money damages rendered in a small claims session may be issued after the expiration of ten years from the date the judgment was entered, and no action based upon any such judgment may be instituted after the expiration of fifteen years from the date the judgment was entered.

(c) With respect to a judgment for money damages rendered in any court of this state, including, but not limited to, a small claims session, a motion to revive such judgment may be filed with the Superior Court prior to the expiration of any applicable period of time to enforce such judgment as set forth in this section. The court may grant the motion to revive the judgment if the court finds that the applicable time period to enforce the judgment under this section has not expired. No order to revive a judgment may extend the time period to enforce a judgment beyond the applicable time period set forth in this section." Conn. Gen. Stat. [§ 52-598](#) (2023). (Emphasis added.)

- Jurisdiction of Superior Court. "(a) For the purposes of postjudgment procedures, the Superior Court shall have jurisdiction over all parties of record in an action until satisfaction of the judgment or, if sooner, until the statute limiting execution has run, except the Superior Court shall have jurisdiction at any time to determine exemption rights and grant appropriate relief." Conn. Gen. Stat. [§ 52-350d](#) (2023). (Emphasis added.)

## STATUTES:

You can visit your local law library or search the most recent [statutes](#) and [public acts](#) on the Connecticut General Assembly website.

- Conn. Gen. Stat. (2023)  
Chapter 906 – Postjudgment Procedures  
[§ 52-350d](#). Jurisdiction of Superior Court.  
Chapter 926 – Statute of Limitations  
[§ 52-598](#). Execution or action upon judgment for money damages. Motion to revive judgment.

## COURT RULES:

Amendments to the Practice Book (Court Rules) are published in the [Connecticut Law Journal](#) and posted [online](#).

- Connecticut Practice Book (2024)  
§ [6-5](#). Notation of Satisfaction  
§ [13-20](#). Discovery Sought by Judgment Creditor.  
§ [17-52](#). Executions  
§ [24-30](#). Satisfying Judgment (Small Claims)  
§ [24-32](#). Execution in Small Claims Actions

## FORMS:

Official Judicial Branch forms are frequently updated. Please visit the [Official Court Webforms page](#) for the current forms.

- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25: 7 Foreign judgment enforcement--Action on foreign judgment
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
Action on Judgment Prior to Expiration of Statute of Limitations – Form 17-028  
  
Notice of Satisfaction of Judgment – Form 17-034  
  
Motion to Determine that Judgment Has Been Satisfied – Form 17-039

## CASES:

Once you have identified useful cases, it is important to update the cases before you rely on them. Updating case law means checking to see if the cases are still good law. You can [contact your local law librarian](#) to learn about the tools available to you to update cases.

- [Meribear Productions, Inc. v. Frank](#), 340 Conn. 711, 751, 265 A.3d 870 (2021). “**The trial court’s judgment on count one of the complaint against George Frank and count two of the complaint against Joan Frank awarded money damages in different amounts for the same underlying loss. George Frank is personally liable for the damages awarded on count one; Joan Frank is personally liable for the damages awarded on count two. Any payments made by George Frank in satisfaction of the judgment against him reduces the amount owed by Joan Frank, and any payments made by Joan Frank in satisfaction of the judgment against her reduces the amount owed by George Frank. See [Gionfriddo v. Gartenhaus Cafe](#), supra, 211 Conn. at 72 n. 5, 557 A.2d 540 (‘When a judgment has been rendered against one of several persons each of whom is liable for a loss claimed in the action on which the judgment is based ... [a]ny consideration received by the judgment creditor in payment of the judgment debtor’s obligation discharges, to the extent of the amount of value received, the liability to the judgment creditor of all other persons liable for the loss.’ Thus, ‘[a] payment by one person liable for a loss reduces pro tanto the amount that the injured person is entitled to receive from other persons liable for the loss.’), quoting 2 Restatement (Second), supra, § 50 and**

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comment (c), pp. 40–42.”

- [Customers Bank v. CB Associates, Inc.](#), 156 Conn. App. 678, 688-89, 115 A.3d 461 (2015). “Thus, because the stipulated judgment in the present case constituted a contract between the parties, crafted as a means of resolving their dispute in a mutually agreeable manner, the court was not constrained to apply the framework we set forth in [Coyle Crete, LLC](#), which we originally employed to determine whether a judgment rendered after a trial on the merits had been satisfied. Instead, the court properly looked to the terms of the parties' agreement to ascertain whether the defendants had satisfied their obligations thereunder. To adopt the plaintiff's argument, which essentially asserts that, as a matter of law, a judgment can never be satisfied without actual payment of the judgment debt or a payment equivalent thereto, would undermine the rights of parties to resolve their disputes according to mutually agreeable terms, which may or may not encompass alternative or less conventional means of judgment satisfaction.”

- [Investment Associates v. Summit Associates, Inc.](#), 309 Conn. 840, 74 A.3d 1192 (2013). “With limited exceptions not applicable to the present case, under § 52-598 (a), a party has twenty years to execute the judgment and twenty-five years to enforce it through a separate action.” (p. 849)

“On its face and viewed in isolation, § 52-598(c) appears to have no practical effect. Although an order granting a motion **under this provision ostensibly 'revive[s]' the judgment, the judgment must be presently enforceable in order to be revived and revival has no effect on the time limit to enforce the judgment.** Thus, for example, in the present case, under the original 1994 judgment, the plaintiff had until 2014 to execute the judgment and until 2019 to initiate an independent action to enforce the judgment. Under the 2010 revived judgment, the plaintiff is subject to those same **limits.**” (pp. 849-850)

“**In addition, as we previously explained, the sole purpose of § 52–598(c) [motion to revive judgment] is to advance the enforcement of Connecticut judgments in foreign jurisdictions. Foreign jurisdictions constitutionally are bound to give full faith and credit to Connecticut judgments, but only insofar as such judgments are valid.**” (p. 857)

- [Coyle Crete, LLC v. Nevins](#), 137 Conn. App. 540, 550-53, 49 A.3d 770 (2012). “Although the filing of a notice of satisfaction of judgment is commonplace; see, e.g., [Lestorti v. DeLeo](#), 298 Conn. 466, 470, 4 A.3d 269 (2010); [Powell v. Infinity Ins. Co.](#), 282 Conn. 594, 597, 922 A.2d 1073 (2007); [Wells Fargo Bank, NA v. Cornelius](#), 131 Conn. App. 216, 219, 26 A.3d 700, cert. denied, 302 Conn. 946, 30 A.3d 1 (2011); [MedValUSA Health Programs, Inc. v. MemberWorks, Inc.](#), 109 Conn. App. 308, 312-13, 951 A.2d 26 (2008); our courts have not directly addressed the elements of the motion at issue in

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this appeal, namely, a motion to determine that a money judgment has been satisfied. That is not to say such a motion is improper. Pursuant to General Statutes § 52-350d (a), **'[f]or the purposes of postjudgment procedures, the Superior Court shall have jurisdiction over all parties of record in an action until satisfaction of the judgment....'** As used in § 52-350d (a), a postjudgment procedure is **'any procedure commenced after rendition of a money judgment'**; General Statutes § 52-350a (15); and a money judgment **'means a judgment, order or decree of the court calling in whole or in part for the payment of a sum of money....'** General Statutes § 52-350a (13). It is undisputed that the plaintiff obtained a money judgment against Six Flags in the prior action. The court therefore retained jurisdiction over the motion filed by Six Flags. Accord 50 C.J.S. 226, Judgments § 910 (2009) ('court may, on motion and satisfactory proof that a judgment has been paid and satisfied in whole or in part by the act of the parties thereto, order it discharged and canceled of record, to the extent **of the payment or satisfaction'**); 47 Am.Jur.2d 382, Judgments § 804 (2006) (courts have inherent power to entertain action to determine whether judgment has been satisfied). Moreover, our rules of practice specifically authorize the filing of a motion to determine that a judgment has been satisfied. Practice Book § 6-5 provides in **relevant part that** **'[w]hen the judgment is satisfied in a civil action, the party recovering the judgment shall file written notice thereof with the clerk, who shall endorse judgment satisfied on the judgment file.... The judicial authority may, upon motion, make a determination that the judgment has been satisfied.'** The question pertinent to our inquiry, then, is what issues necessarily must be determined in order for a trial court properly to grant such a motion.

**'A satisfaction of judgment is the discharge of an obligation under a judgment by payment of the amount due.'** 47 Am. Jur.2d, **supra**, § 804, at p. 382. **'The satisfaction of a judgment refers to compliance with or fulfillment of the mandate thereof.... There is realistically no substantial difference between the words paid and satisfied in the judgment context.'** (Citation omitted; internal quotation marks omitted.) [Mazziotti v. Allstate Ins. Co.](#), 240 Conn. 799, 807, 695 A.2d 1010 (1997). A determination that a judgment has **been satisfied** 'operates to extinguish [the judgment] for all purposes.... It is absolutely determinative of the rights of the parties.... Further proceedings may not commence upon a **judgment which has been satisfied....'** 50 C.J.S. *supra*, § 909, at p. 225. **'Where a judgment creditor has received actual payment of the judgment or any equivalent therefor ... but [the judgment creditor] refuses to acknowledge or enter satisfaction, the court having control of the judgment may ... order satisfaction to be entered officially.'** (Emphasis added.) *Id.*, § 911, at p. 228.

In light of the foregoing, we conclude that the following issues are prerequisites to the rendering of a determination by the court that a money judgment has been satisfied. First, the

judgment creditor must have obtained a valid money judgment against the judgment debtor. Second, the judgment debtor must have paid the amount of that judgment. In so doing, the court must find that the judgment debtor either made actual payment to the judgment creditor or a payment equivalent thereto.”

WEST KEY NUMBERS:

Judgment

XX. Payment, Satisfaction, Merger, and Discharge – k874-k899

TEXTS & TREATISES:

Each of our law libraries own the Connecticut treatises cited. You can [contact](#) us or visit our [catalog](#) to determine which of our law libraries own the other treatises cited or to search for more treatises.

References to online databases refer to in-library use of these databases. Remote access is not available.

- 2 *Stephenson’s Connecticut Civil Procedure*, 3rd ed., by Renee Bevacqua Bollier et al., Atlantic Law Book Co., 2002, with 2003 supplement.  
Chapter 18 – Enforcement of Judgments.  
Sec. 213 – Time Limitations
- 2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023. (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25:6 Foreign judgment enforcement—Commentary
- *Connecticut Lawyer’s Deskbook: A Reference Manual*, 3d ed., LawFirst Publishing, 2008.  
Chapter 5, Debt Collection, by Jeanine M. Dumont.
- *Library of Connecticut Collection Law Forms*, by Robert M. Singer, Connecticut Law Tribune, 2015.  
Chapter 17: Commentary — Postjudgment Procedures
- *Connecticut Torts: The Law and Practice*, 2d ed., by Frederic S. Ury et al., LexisNexis, 2020.  
§ 3.03. Recovering Prejudgment and Postjudgment Interest

ENCYCLOPEDIAS:

- 46 *Am Jur 2d* Judgments, Thomson West, 2017 (Also available on Westlaw).  
VI. Dormancy; Revival or Renewal; Limitations of Time §§ 364-409.
- 47 *Am Jur 2d* Judgments, Thomson West, 2017 (Also available on Westlaw).  
XI. Satisfaction of Judgments §§ 765-804.

PAMPHLETS:

- [How do I collect money if I win my case?](#) (Connecticut Judicial Branch Small Claims FAQ, Question 23)

Table 7: Enforcing Foreign Judgments in Connecticut

<p><i>For step-by-step filing procedures for civil foreign judgments, see the <a href="#">Connecticut Superior Court Civil Procedures for a Civil Foreign Judgment</a>.</i></p>
<ul style="list-style-type: none"> <li>Uniform Enforcement of Foreign Judgments Act Conn. Gen. Stat. <a href="#">§ 52-604</a> (2023)</li> </ul> <p>Definition of foreign judgment. As used in sections 52-604 to 52-609, inclusive, "foreign judgment" means any judgment, decree or order of a court of the United States or of any other court which is entitled to full faith and credit in this state, except one obtained by default in appearance or by confession of judgment.</p> <p>Conn. Gen. Stat. <a href="#">§ 52-607</a> (2023)</p> <p>Other rights of action preserved. The right of a judgment creditor to proceed by an action on the judgment or a motion for summary judgment in lieu of complaint instead of proceeding under sections 52-604 to 52-609, inclusive, remains unimpaired.</p> <p>Selected Case Law:</p> <ul style="list-style-type: none"> <li><a href="#">Maltas v. Maltas</a>, 298 Conn. 354, 355, 2 A.3d 902 (2010). "This case raises questions regarding the proper procedure and burden of proof in actions to enforce foreign default judgments."</li> <li><a href="#">J. Corda Construction, Inc. v. Zaleski Corp.</a>, 98 Conn. App. 518, 523-24, 911 A.2d 309 (2006). "Thus, 'a debtor who seeks to challenge the validity of a foreign judgment that has been registered properly in this state may do so only by raising [c]onstitutionally permissible defenses ... that destroy the full faith and credit obligation owed to a foreign judgment.... Such defenses include lack of personal jurisdiction or lack of due process.' (Citation omitted; internal quotation marks omitted.) <a href="#">Business Alliance Capital Corp. v. Fuselier</a>, supra, 88 Conn. App. at 736-37, 871 A.2d 1051. 'A party can therefore defend against the enforcement of a foreign judgment on the ground that the court that rendered the judgment lacked personal jurisdiction, unless the jurisdictional issue was fully litigated before the rendering court or the defending party waived the right to litigate the issue.' (Emphasis added.) <a href="#">Packer Plastics, Inc. v. Laundon</a>, supra, 214 Conn. at 56, 570 A.2d 687."</li> <li><a href="#">Collard &amp; Roe, P.C. v. Klein</a>, 87 Conn. App. 337, 345, 865 A.2d 500 (2005). "Therefore, any proceeding before our courts related to a properly domesticated final foreign judgment is treated as post-judgment in nature. <a href="#">Harris v. Harris</a>, 14 Conn. App. 384, 386 n. 2, 540 A.2d 1079 (1988). Accordingly, any interest ordered on a domesticated foreign judgment is postjudgment interest."</li> <li><a href="#">Segal v. Segal</a>, 86 Conn. App. 617, 627, 863 A.2d 221 (2004). "Our Supreme Court has held that '[a] domestic judgment enforcing a foreign judgment is not directly affected by subsequent proceedings in the originating state.' <a href="#">Burchett v. Roncari</a>, 181 Conn. 125, 129, 434 A.2d 941 (1980); see also <a href="#">Bank of North America v. Wheeler</a>, 28 Conn. 433, 441 (1859)."</li> </ul>

- [Moasser v. Becker](#), 78 Conn. App. 305, 316, **828 A.2d 116 (2003)**. “The implication of the defendant’s argument, therefore, is that the legislature, in enacting the UEFJA, intended to apply to in-state federal judgment liens a registration requirement that did not apply to Connecticut state court judgment liens. Such an enactment by the legislature, however, would be inconsistent with the legislature’s intent, as demonstrated in § 47-36, to achieve the conformity required by 28 U.S.C. § 1962. It would, in fact, destroy that **conformity.**”
- [Nastro v. D’Onofrio](#), 76 Conn. App. 814, 823, **822 A.2d 286 (2003)**. “...we conclude that the phrase in § 52-605 (b) that provides that a foreign judgment, **once registered, ‘has the same effect and is subject to the same procedures, defenses and proceedings for reopening, vacating or staying as a judgment of a court of this state’ is not an open sesame for Connecticut courts** to reconsider the merits of an out-of-state judgment. To comply with federal constitutional law, the only defenses that a Connecticut court should consider when out-of-state judgment debtors claim that an out-of-state judgment is unenforceable are those that implicate the personal or subject matter jurisdiction of the out-of-**state court.**”

- [Business Alliance Corp. v. Fuselier](#), 88 Conn. App. 731, 871 A.2d 1051 (2005). “As a general principle, the full faith and credit clause of the United States constitution permits a creditor who has obtained a judgment in one state to enforce that judgment in this state. This principle is inapplicable, however, if the foreign judgment is a default judgment rendered by a court that did not have personal jurisdiction over the judgment debtor. The primary issue before us is whether this case falls within the general rule or its exception. (p. 732)

Only in a select few situations may courts set aside their obligation to afford full faith and credit to final judgments of foreign courts. In particular, a debtor who seeks to challenge the validity of a foreign judgment that has been registered properly in this state may do so only by raising “[c]onstitutionally permissible defenses . . . that destroy the full faith and credit obligation owed to a foreign judgment . . . .” (Internal quotation marks omitted.) [Nastro v. D’Onofrio](#), 76 Conn. App. 814, 823, 822 A.2d 286 (2003). Such defenses include lack of personal jurisdiction or lack of due process. *Id.*” (p. 736)

- [Regents of the University of California v. Golf Marketing, LLC](#), 92 Conn. App. 378, 885 A.2d 201 (2005). “Under appropriate circumstances, General Statutes § 52-607 authorizes a foreign judgment creditor to seek the enforcement of a judgment in this state even if that judgment was entered by default in the foreign state. (p. 379)

In [Business Alliance Capital Corp. v. Fuselier](#), supra, 88 Conn. App. at 735-39, 871 A.2d 1051, we reiterated the proposition that, under the full faith and credit clause of the federal constitution, “[t]he judgment of another state must be presumed valid, and the burden of proving a lack of jurisdiction rests heavily upon the assailant. . . . To determine whether a foreign court lacked jurisdiction, we look to the law of the foreign state.” (Citation omitted; internal quotations marks omitted.) *Id.*, at 737, 871 A.2d 1051.” (p. 381)

TREATED  
ELSEWHERE:

- [Foreign Matrimonial, Custody, and Support Judgments in Connecticut](#)
- [Enforcement of Foreign Matrimonial Judgments Under UIFSA](#)
- [Enforcement of Foreign Matrimonial Judgments Under RURESA](#)

Table 8: Fraudulent Transfers

<p>A. Uniform Fraudulent Transfers Act</p>
<ul style="list-style-type: none"> <li>• Conn. Gen. Stat. <a href="#">§ 52-552a through 52-552l</a> (2023) <ul style="list-style-type: none"> <li>Sec. 52-552a. Short title: Uniform Fraudulent Transfer Act.</li> <li>Sec. 52-552b. Definitions.</li> <li>Sec. 52-552c. Insolvency.</li> <li>Sec. 52-552d. Value.</li> <li>Sec. 52-552e. Transfers fraudulent as to present creditors.</li> <li>Sec. 52-552f. Transfers fraudulent as to present creditors.</li> <li>Sec. 52-552g. When transfer is made or obligation is incurred.</li> <li>Sec. 52-552h. Remedies of creditors.</li> <li>Sec. 52-552i. Defenses, liability and protection of transferee.</li> <li>Sec. 52-552j. Extinguishment of cause of action.</li> <li>Sec. 52-552k. Supplementary provisions.</li> <li>Sec. 52-552l. Uniformity of application and construction.</li> </ul> </li> </ul> <p>From <a href="#">52-552e(a)</a>: "A transfer made or obligation incurred by a debtor is fraudulent as to a creditor, if the creditor's claim arose before the transfer was made or the obligation was incurred and if the debtor made the transfer or incurred the obligation: (1) With actual intent to hinder, delay or defraud any creditor of the debtor; or (2) without receiving a reasonably equivalent value in exchange for the transfer or obligation, and the debtor (A) was engaged or was about to engage in a business or a transaction for which the remaining assets of the debtor were unreasonably small in relation to the business or transaction, or (B) intended to incur, or believed or reasonably should have believed that he would incur, debts beyond his ability to pay as they became due."</p>
<p>B. Liability for Fraud in Contracting Debt; Concealing Property.</p>
<ul style="list-style-type: none"> <li>• Conn. Gen. Stat. <a href="#">§ 52-562</a> (2023) <p>"When any person is guilty of fraud in contracting a debt, or conceals, removes or conveys away any part of his property, with intent to prevent it from being taken by legal process, or refuses to pay any debt admitted by him or established by a valid judgment, while having property, not exempt from execution, sufficient to discharge the debt, concealed or withheld by him so that the property cannot be taken by legal process, or refuses to disclose his rights of action, with intent to prevent the rights of action from being taken by foreign attachment or garnishment any creditor aggrieved thereby may institute an action against him, setting forth his debt and the fraudulent act or acts particularly in the complaint."</p> </li> </ul>

Table 8A: *Cadle Co. v. Fletcher*, 324 Conn. 228 (2016).

[Cadle Co. v. Fletcher](#), 324 Conn. 228, 235, 151 A.3d 1262 (2016).

"This case, which comes to us on certification from the United States Court of Appeals for the Second Circuit pursuant to General Statutes § 51-199b, requires us to determine whether, and under what circumstances, residual postgarnishment wages (residual wages) are subject to postjudgment execution by a judgment creditor. The plaintiff, The Cadle Company, is the defendant Terry B. Fletcher's judgment creditor pursuant to two state court judgments, under which Fletcher (Terry) owed the plaintiff more than \$3 million. To satisfy these judgments, the plaintiff garnished Terry's wages. Since at least 2005, Terry has transferred to the bank account of his wife, the named defendant, Marguerite Fletcher (Marguerite), more than \$300,000 of his residual wages. The plaintiff brought an action against the defendants in the United States District Court for the District of Connecticut, claiming, among other things, that Terry's transfer of his residual wages to his wife violated the Connecticut Uniform Fraudulent Transfer Act (CUFTA), General Statutes § 52-552 et seq. The plaintiff claimed that, as a result of the fraudulent transfer of Terry's residual wages to Marguerite, she was personally liable to the plaintiff for the full amount of the funds that were transferred within the four years preceding the commencement of the action. The defendants filed a motion for partial summary judgment, claiming that, under Connecticut law, after a judgment debtor's wages have been garnished, the remaining wages are exempt from execution, and, therefore, the transfer of those wages to a third party cannot constitute a fraudulent transfer. The plaintiff also filed a motion for partial summary judgment, contending that there was no genuine issue of material fact with respect to Terry's transfer of his residual wages to Marguerite. The District Court denied the defendants' motion for partial summary judgment, granted the plaintiff's motion for partial summary judgment and, after conducting various proceedings related to the plaintiff's other claims, ultimately rendered judgment for the plaintiff in the amount of \$401,426.16 on its CUFTA claim. The defendants appealed from the District Court's judgment to the Second Circuit Court of Appeals. Thereafter, the Second Circuit certified the following question to this court pursuant to § 51-199b: 'Do [General Statutes] §§ 52-361a and 52-367b, read together, exempt [postgarnishment] residual wages held in a third party's bank account from further execution, so that they become freely transferable under [CUFTA] ...?' (Citation omitted.) [Cadle Co. v. Fletcher](#), 804 F.3d 198, 202 (2d Cir. 2015). This court accepted the certified question. We conclude that Terry's residual wages would not have been exempt from execution if he had retained possession of them and, therefore, that they were subject to execution after Terry transferred them to Marguerite's account. Accordingly, we answer the certified question in the negative."

Table 9: Reverse Piercing of the Corporate Veil

Reverse Piercing of the Corporate Veil
<p>Conn. Gen. Stat. (2023)</p> <ul style="list-style-type: none"><li>• <a href="#">§ 33-673a</a>. Definitions.</li><li>• <a href="#">§ 33-673b</a>. Limitation on liability of an interest holder of a domestic entity. Application of veil piercing doctrine, when permitted</li><li>• <a href="#">§ 33-673c</a>. Liability of domestic entity based upon reverse veil piercing doctrine, not permitted.</li></ul> <p><i>Origin:</i> <a href="#">Public Act 19-181</a> - <i>An Act Concerning the Use of Veil Piercing to Determine the Personal Responsibility of an Interest Holder of A Domestic Entity for the Debts, Obligations Or Other Liabilities of Such Entity and the Responsibility of A Domestic Entity for the Debts, Obligations Or Other Liabilities of an Interest Holder of Such Entity.</i></p> <p><b>“Sec. 3: No domestic entity shall be responsible for a debt, obligation or other liability of an interest holder of such entity based upon a reverse veil piercing doctrine, claim or remedy.”</b></p> <p><a href="#">Public Act Summary</a>: The act...prohibits “reverse veil piercing,” in which a domestic entity is held responsible for an interest holder’s debt, obligation, or other liability.</p> <p><i>Effective Date:</i> P.A. 19-181 effective July 9, 2019, and applicable to any civil action filed on or after July 9, 2019.</p>

Table 10: Abusive, Harassing . . . Debt Collection Practices

Abusive, Harassing, Fraudulent, Deceptive or Misleading Debt Collection Practices. Liability. Exemptions. Limitations on Actions.
<p>Conn. Gen. Stat. <a href="#">§ 36a-648</a> (2023)</p> <p>(a) A creditor, as defined in section 36a-645, who uses any abusive, harassing, fraudulent, deceptive or misleading representation, device or practice with respect to any person to collect or attempt to collect a debt in violation of section 36a-646, section 36a-805 or the regulations adopted pursuant to section 36a-647 or 36a-809 shall be liable to such person in an amount equal to the sum of: (1) Any actual damages sustained by such person, (2) if such person is an individual, such additional damages as the court may award, not to exceed one thousand dollars, and (3) in the case of any successful action to enforce liability under the provisions of this subsection, the costs of the action and, in the discretion of the court, a reasonable attorney's fee.</p> <p>(b) In determining the amount of liability in an action brought pursuant to subsection (a) of this section, the trier of fact shall consider, among other relevant factors, the frequency and persistence of noncompliance by the creditor, the nature of such noncompliance and the extent to which such noncompliance was intentional.</p> <p>(c) A creditor may not be held liable in an action brought under this section if the creditor shows by a preponderance of the evidence that the violation was not intentional and resulted from a bona fide error, notwithstanding the maintenance of procedures reasonably adopted by the creditor to avoid any such error.</p> <p>(d) An action to enforce liability under this section may be brought in any court of competent jurisdiction not later than one year after the date on which the violation occurs.</p>
<p>See also:</p> <p><b>CONNECTICUT CREDITORS' COLLECTION PRACTICES ACT</b> Conn. Gen. Stat. <a href="#">§ 36a-645</a> (2023)</p> <p>Regulations from the Connecticut Department of Banking <a href="#">Sections 36a-809-6 to 36a-809-17</a></p> <p><b>CONNECTICUT CONSUMER COLLECTION AGENCY ACT</b> Conn. Gen. Stats. <a href="#">§§ 36a-800 et seq.</a> (2023)</p> <p>Regulations from the Connecticut Department of Banking <a href="#">Sections 36a-809-6 to 36a-809-17</a></p> <p><a href="#">Connecticut Law About Debt Collection</a> (Connecticut Judicial Branch Law Libraries web page that has links to statutes, research reports, and other information)</p>

# Frequently Asked Questions

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1. *How do I enforce a foreign judgment from another state in Connecticut?*

See the Uniform Enforcement of Foreign Judgments Act (UEFJA), Conn. Gen. Stat. [§ 52-604 et seq.](#) (2023), for a procedure for enforcing a foreign judgment.

See also: [Connecticut Superior Court Civil Procedures for a Civil Foreign Judgment.](#)

Note: **The statute excludes judgments “obtained by default in appearance or by confession of judgment.”** Also, [Conn. Gen. Stat. § 52-607](#) (2023) states that “[t]he right of a judgment creditor to proceed by an action on the judgment or a motion for summary judgment in lieu of complaint instead of proceeding under sections 52-604 to 52-609, inclusive, remains unimpaired.”

2. *My foreign judgment was obtained by default of appearance. What do I do?*

2 Connecticut Practice Series, *Connecticut Civil Practice Forms*, 5th ed., by Daniel A. Morris, Thomson West, 2023, (also available on Westlaw).  
Chapter 25 Enforcing Court Judgments—Executions  
§ 25:6 Foreign judgment enforcement--Commentary

3. *How do I enforce a money judgment obtained in another country?*

See Conn. Gen. Stat. [§ 50a-30 et seq](#) (2023).  
(Uniform Foreign Money-Judgments Recognition Act)

4. *Are there preprinted, fill-in-the-blank forms available for postjudgment executions?*

Courthouses make them available, and they are available online at [Forms you may need to Collect on a Civil Judgment.](#)

5. *Are Judgments Assignable?*

See [Mall v. Labow](#), 33 Conn App. 359 (1993) and [Joblin v. Labow](#), 33 Conn. App. 365 (1993).

6. *Are lottery winnings subject to execution?*

See Conn. Gen. Stat. [§ 52-367c](#) (2023).

7. *I need to enforce a Connecticut money judgment in the Mashantucket Pequot Tribal Court.*

See the Mashantucket Pequot Tribal Laws  
(<http://www.mptnlaw.com/TribalLaws.htm>)

Title 23 - Foreign Judgments, Wage Executions & Subpoenas  
(check pocket parts and supplementation)

8. *Is postjudgment interest automatic when installment payments are ordered?*

See [Ballou v. Law Offices Howard Lee Schiff, PC](#), 304 Conn. 348 (2012) and [Discover Bank v. Mayer](#) 127 Conn. App. 813, 17 A.3d 80 (2011).

9. *Can I enforce my money judgment through a contempt order?*

Generally, no. See [Pease v. Charlotte Hungerford Hosp.](#), 325 Conn. 363, 378, 157 A.3d 1125, 1133 (2017) "...ordinary monetary judgments and taxations of costs are not subject to enforcement by civil contempt absent extraordinary circumstances."

# Forms for Enforcing Money Judgments

*See also*

Forms you may need to collect on a civil judgment  
[https://www.jud.ct.gov/forms/grouped/civil/collect\\_civil.htm](https://www.jud.ct.gov/forms/grouped/civil/collect_civil.htm)

## Action on Judgment

*Connecticut Civil Practice Forms*, Fifth Edition (2023) (Available at each [Judicial Branch Law Library](#))

§ 25:7 Foreign judgment enforcement--Action on foreign judgment

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Action on Judgment Prior to Expiration of Statute of Limitations –  
Form 17-028

## Bank Executions

[JD-CV-24](#) – Financial Institution Execution Proceedings - Judgment Debtor Who Is a Natural Person, Application and Execution

[JD-CV-24a](#) – Exemption Claim Form, Financial Institution Execution

[JD-CV-24N](#) – Financial Institution Execution Proceedings - Judgment Debtor Who Is NOT a Natural Person, Application and Execution (with automatic calculations)

Application for Turnover Order in Aid of Execution — [Figure 1](#)

## Charging Orders

*Library of Collection Law Forms, 2016* (Available at each [Judicial Branch Law Library](#))

Application for Charging Order - Form 17-027

Affidavit in Support of Charging Order - Form 17-027

Charging Order - Form 17-027

Enforcement Order - Form 17-027

## Discovery (Postjudgment)

[JD-CV-23](#) – Post Judgment Remedies Interrogatories

[JD-CV-23a](#) – Interrogatories

[JD-CV-54](#) – Petition for Examination of Judgment Debtor and Notice of Hearing

*Library of Collection Law Forms, 2016* (Available at each [Judicial Branch Law Library](#))

Interrogatories for Examination of Judgment Debtor –  
Form 17-022

Motion for Capias to Compel Examination of Judgment  
Debtor - Form 17-021

Motion for Sanctions for Failure to Disclose Assets  
(Sufficient To Satisfy Judgment) - Form 17-019

Motion for Sanctions (**With Demand for Attorney's  
Fees**) - Form 17-024

Motion to Compel Responses to Post Judgment  
Interrogatories - Form 17-018

Motion for Supplemental Discovery - Form 17-025

Subpoena to Debtor - Form 17-023

Subpoena to Third Party for Records of Debtor –  
Form 17-026

### Installment Payment Orders

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Motion for Installment Payments: Form 17-012

### Judgment Liens

*Connecticut Civil Practice Forms, Fifth Edition (2023)*(Available at each [Judicial Branch Law Library](#))

§ 24: 22 Judgment lien on real property.

§ 24: 24 Foreclosure of Judgment Lien.

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Judgment Lien on Boat - Form 17-003

Judgment Lien on Personal Property - Form 17-002

Judgment Lien on Real Estate - Form 17-001

Release of Lien - Form 17-035

### Property Executions

[JD-CV-5](#) – Property Execution Proceedings - Application, Order, Execution

[JD-CV-5b](#) – Exemption Claim Form, Property Execution

[JD-CV-5c](#) – Property Execution Proceedings, Claim for Determination of Interests

### Satisfaction of Judgment

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Motion to Determine that Judgment Has Been Satisfied - 17-039

Notice of Satisfaction of Judgment – Form 17-034

*Library of Connecticut Personal Injury Forms* (Available at each [Judicial Branch Law Library](#))

Satisfaction of Judgment – Form 8-019

### Turnover Orders

Application for Turnover Order in Aid of Execution — [Figure 1](#)

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Motion to Turn Over Assets (Personal Property) – Form 17-014

### Wage Executions

[JD-CV-3](#) - Wage Execution Proceedings Application, Order, Execution

[JD-CV-3a](#) - Exemption and Modification Claim Form, Wage Execution

*Library of Connecticut Collection Law Forms* (Available at each [Judicial Branch Law Library](#))

Affidavit Re Lost Wage Execution – Form 17-013

Motion to Modify Wage Execution – Form 17-015