

DOCKET NO: LLI-CV24-6035881-S : SUPERIOR COURT
PAINTING & CARPENTRY SOLUTIONS : J.D. OF LITCHFIELD
V. : AT TORRINGTON
ALLAN BUTTRICK III & SUSAN MORAN : MAY 21, 2024

MEMORANDUM OF DECISION

The defendants seek discharge of a mechanic's lien filed by the plaintiff, Painting and Carpentry Solutions. For the reasons set out herein, the application to discharge mechanic's lien is granted.

The plaintiff, Painting and Carpentry Solutions, is the trade name of Daryl Janney. Mr. Janney, using the trade name Painting and Carpentry Solutions, contracted with the defendants, Allan Buttrick, III and Susan Moran, to perform certain work on the property they own on 13 and 19 Sunset Lake Road in the town of Warren. A dispute arose over the final payment for this work, and a mechanic's lien was filed by Painting and Carpentry Solutions in the amount of \$9,603.65. The defendants seek to discharge this lien because Painting and Carpentry Solutions is not a "person" within the meaning of the statutory scheme governing mechanic's liens, Connecticut General Statutes § 49-33 et seq.

In America's Wholesale Lender v. Pagano, 87 Conn. App. 474 (2005), the Appellate Court explained that: Although a corporation is a legal entity with legal capacity to sue, a fictitious or assumed business name, a trade name, is not a legal entity; rather, it is

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merely a description of the person or corporation doing business under that name.” Id. at 477. It is this rationale on which the Appellate Court relied in affirming the dismissal of an action to foreclose on a mechanic’s lien brought under a trade name. Greco Construction v. Edelman, 137 Conn. App. 514 (2012). In Greco, the Appellate Court again noted that a trade name “does not have a separate legal existence.” Id. at 520.

The plaintiff’s reliance on Connecticut General Statutes § 1-79 is misplaced. These definitions are limited by their terms to applicability to the code of ethics for public officials. They do not inform the court whether a trade name is a “person” for purposes of filing a mechanic’s lien pursuant to Connecticut General Statutes § 49-34.

The court finds the decision of the Appellate Court in Greco to be dispositive. Although true that Greco presents the issue in a slightly different procedural context, it would be irrational to permit a mechanic’s lien to be filed on the land records but not subsequently permit it to be foreclosed upon by a plaintiff proceeding under a trade name.

The court finds that a trade name is not a “person” within the contemplation of Connecticut’s statutes governing mechanic’s liens and grants the defendant’s application to discharge the lien.



Preleski, J.