

MOTION FOR JUDGMENT OF FORECLOSURE BY MARKET SALE

JD-CV-151 Rev. 10-16
C.G.S. §§ 49-24, 49-24e, 49-24g, 49-26 to 49-28; P.A. 16-65 §§ 82, 89; P.B. 23-18(b)

STATE OF CONNECTICUT
SUPERIOR COURT
www.jud.ct.gov



Instructions to Plaintiff:

1. Complete the form and file it with the court.
2. After the clerk has scheduled the hearing date and time for the motion, the clerk will give the original form back to you to serve on all parties. Service may be made by mail or electronic delivery to all appearing parties. Service to any non-appearing party must be made by a proper officer.
3. The certification of delivery and/or return of service must be filed with the court.

Instructions to the Clerk:

1. Schedule a hearing allowing at least 12 days for service unless otherwise directed by the court.
2. Return the motion to the plaintiff for service.

ADA NOTICE

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at www.jud.ct.gov/ADA.

Name of Case (<i>Plaintiff v. Defendant</i>)	Judicial District	Docket Number
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Name(s) and Address(es) of Additional Defendants

Buyer's Name	Telephone Number
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Buyer's Address

Buyer's Attorney	Juris Number
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Buyer's Attorney's Address	Telephone Number
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Property Address/Location

The parties have entered into a contract for a foreclosure by market sale, and it is at least ten days after the Return Date specified in the complaint. The plaintiff, with consent of the mortgagor, moves the court to enter a judgment of foreclosure by market sale in this action; and asks that right-of-first-refusal law days be assigned to any subordinate lienholders that are parties to the action in the order of their priorities, as follows:

Name of Lienholder	Date of Lien	Amount of Lien
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>

The mortgagee's debt is \$ _____ as of _____
Amount Date

The following liens have priority over the lien being foreclosed under state or federal law:

Name of Lienholder	Date of Lien	Amount of Lien
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>
<i>Name of Lienholder</i>	<i>Date of Lien</i>	<i>Amount of Lien</i>

The fair market value of the property has been assessed as \$ _____ as of _____
Amount Date

Therefore, the debt, together with any priority liens, is more than the fair market value of the property.

The fees and expenses of sale, including real estate commissions, are:

<i>Type of fee or expense</i>	<i>Amount</i>
<i>Type of fee or expense</i>	<i>Amount</i>
<i>Type of fee or expense</i>	<i>Amount</i>

The purchaser took on the following costs and expenses in connection with the contract:

<i>Type of cost or expenses</i>	<i>Amount</i>
<i>Type of cost or expenses</i>	<i>Amount</i>
<i>Type of cost or expenses</i>	<i>Amount</i>

Preliminary Statement of Debt

As required by Section 23-18(b) of the Connecticut Practice Book, the following is a preliminary statement of the plaintiff's monetary claim in the foreclosure action:

Principal balance as of: _____
Date *Principal Balance Amount*

Accrued Interest from _____ to _____
Date *Date*

at the rate of _____ % per year
Accrued Interest Amount

Late Charges
Late Charges Amount

Escrow balance for taxes and insurance
Escrow Balance Amount

Other (specify type below)
Other Amount

Plus counsel fees and court costs.

Signed (<i>Plaintiff or Plaintiff's Attorney</i>) ▶	<i>Print Name</i>	<i>Date</i>
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WHEREFORE, the plaintiff requests that the court:

- Enter a judgment of foreclosure by market sale;
- Approve the purchase and sale contract;

Signed (<i>Plaintiff or Plaintiff's Attorney</i>) ▶	<i>Print Name</i>	<i>Date</i>
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Certification

I certify that a copy of this motion was or will immediately be mailed or delivered, electronically or non-electronically, to all counsel and self-represented parties of record, and that written consent for electronic delivery was received from all counsel and self-represented parties of record who were or will immediately be electronically served.

Date mailed or delivered

Signed (*Plaintiff or Plaintiff's Attorney*)

Print Name

*Names and Addresses of each individual to whom a copy of the motion was mailed or delivered**

*If needed, attach additional sheets with the name and address of each individual to whom a copy of the motion was mailed or delivered.

Order for Hearing and Notice (*To be completed by the Clerk*)

The court orders that a hearing be held on this motion on the date and time and at the court location listed below. The court also orders that all parties in this case must have notice of this hearing, and the plaintiff must give notice of this motion and order to any non-appearing defendants by having a true and attested copy of the motion and this order served on the non-appearing defendant(s) by any proper officer at least **12 days** before the date of the hearing. Proof of service shall be made to this court at least **6 days** before the date of the hearing.

It is ordered that a hearing be held on the motion on the date and time and at the court location listed below. All parties in this case must have notice of this hearing.

Hearing date	Time of hearing a.m. p.m.	Court location (<i>Number, street, town, zip code and courtroom, if applicable</i>)
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During this hearing, the Judge will decide what the fair market value of the property is, if there are any other liens that have priority on the property, what the fees and expenses of the sale are, the amount of the mortgagee's debt, and whether the mortgagee's debt, together with any liens that have priority, is more than the fair market value of the property.

You must come to court, or your attorney must come to court, on the date and time shown above if you want to be heard in this matter. If you do not come to court, or if your attorney does not come to court, on the date and time shown above, the Judge will make a decision based on the papers and/or evidence submitted by the parties who come to the hearing.

Signed (<i>Clerk</i>)	Date signed
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TO: ANY PROPER OFFICER

By Authority of the State of Connecticut, you must serve a true and attested copy of the above Motion and Order for and Notice of Hearing on the non-appearing defendants in one of the ways required by law at least **12 days** before the date of the hearing. Proof of service shall be filed with the court at least **6 days** before the hearing.

<i>By the Court</i>	Judge / Assistant Clerk ▶	Date of Order
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