



## INSTRUCTIONS TO COMMITTEE

These instructions are to assist committees in the performance of their duties. The court expects committees to discharge these duties responsibly, competently, and efficiently and with the concern for the interests of the parties and the court. These simplified procedures should be reflected in the quality of the committee's work and the appropriateness of the committee's fee.

## GENERAL RESPONSIBILITIES

Committee appointments are individual appointments. The committee must file an individual appearance and not a firm appearance. The foreclosure judgment may include a date after which the committee may begin incurring fees or expenses (the "bar date"). However, the committee should file an appearance immediately to ensure receipt of court notices and pleadings. The committee's duties may not be delegated to anyone without the prior approval of the court. If the committee is not available on the date of the sale or is otherwise unable to serve, the committee should immediately file a *Motion to Substitute Committee*, so that a substitute committee can be appointed.

After the passage of the "bar date," which is 45 days before the sale, the committee should contact the plaintiff's attorney to request copies of the appraisal, complaint and title search. The committee should also order its own title search at that time. The committee should work closely with the plaintiff's attorney, who may have information about the property and its condition. The committee must not distribute the plaintiff's title search to third parties.

The committee should remain updated on the court's foreclosure file. Certain filings may stay the foreclosure auction procedures. The court file will also have the names and telephone numbers of the court-appointed appraiser and other information that may not have been contained in the initial notice.

The committee is not authorized to alter the terms of the judgment without court approval. Questions should be submitted to the court in the form of a *Foreclosure Motion for Advice*, form JD-CV-100. If this Motion will not print on the short calendar in time to provide timely advice, the committee should contact the foreclosure clerk for an expedited assignment on the write-in list.

## APPEARANCE IN COURT

The committee does not have to attend court to seek approval of a sale unless it is aware of a likely objection or is ordered to do so by the court. Generally, the committee only attends court in limited circumstances as ordered by the court. The committee should not attend court for argument on motions for extension or modification of a sale. Any unnecessary appearance in court will not be approved for compensation.

## LEGAL ADVERTISEMENTS

The committee must post the advertisement on the Judicial website and, if ordered by the court, place an advertisement in the newspaper in accordance with the standing orders. Under special circumstances, such as where the property is unique, commercial or industrial, the committee may consider a display advertisement. Prior approval of the court is necessary for a display advertisement. A cost estimate must be provided to the court.

The ad posting confirmation page printed from the Judicial website and an affidavit of publication from the newspaper, including the newspaper ad, must be attached to the *Foreclosure By Sale Committee Report*, form JD-CV-75. Be sure to request the affidavit of publication from the newspaper.

## APPRAISER

The court will appoint a disinterested appraiser, other than the plaintiff's appraiser, to appraise the property pursuant to General Statutes § 49-25. The appraiser's report is made under oath and returned to the clerk of the court at least ten days before the sale.

## SIGN ON PREMISES (IF ORDERED)

The standing orders require that the sign be placed on the premises not less than 20 or more than 30 days before the sale. The dimensions must be 3 feet wide and 2 feet high, and contain: **DO NOT REMOVE; VIOLATION SUBJECT TO PUNISHMENT BY THE COURT**. The sign should also contain the case caption, the name, address, and telephone number of the committee, the date and time of the sale, and the amount and type of deposit required.

## **ACCESS TO PREMISES**

The committee should contact the persons in control of the premises (through counsel or, if necessary, directly) to establish the accessibility of the premises on the date of the sale. Under no circumstances should the committee force entry into the property against the will of the party in possession. If the debtor is not living at the property, the committee should try to obtain keys to enable the committee to inspect the property and show the property to prospective purchasers before the sale. If before, on, or after the date of sale the committee has any questions about obtaining access to or securing the premises, the committee should **IMMEDIATELY** file a *Foreclosure Motion for Advice*, form JD-CV-100.

## **POLICE OFFICER**

The committee is authorized to hire a police officer when, in the opinion of the committee, it is necessary for any reason, including, but not limited to a reasonable concern for safety and/or security at the sale. The grounds for such a decision must be stated in the committee's report to the court.

## **LOCKSMITH**

Hiring a locksmith without prior judicial approval is authorized only when the premises is actually or apparently unoccupied. "Unoccupied" means uninhabited and unfurnished. If after entry, it is discovered that the premises is occupied or furnished, the committee must immediately withdraw, relock the premises and leave a note in a conspicuous place that keys may be obtained from the committee. The committee, not the successful bidder or the plaintiff, is responsible for securing the premises after the sale.

## **CONDITION OF PREMISES**

If the committee learns that certain emergency conditions are likely to materially impact the sale, the committee should first notify the plaintiff's attorney. If not corrected in sufficient time to avoid impacting the sale, the condition should immediately be brought to the court's attention by filing a *Foreclosure Motion for Advice* which will be addressed on an expedited basis.

## **VIEWING PREMISES**

The committee should inspect the premises as soon as practicable after the sign is erected. Usually, there should be no further need to inspect other than the viewing and inspection on the morning of the sale. However, the committee should become familiar with the property by consulting the appraisal and reviewing the physical specifications of the building in preparation for questions from interested parties. The committee should complete the *Foreclosure By Sale, Fact Sheet - Notice to Bidders*, form JD-CV-80, as soon as possible in order to be prepared for questions.

## **AUCTION**

The committee must keep a list of all registered bidders. On the morning of the auction, the committee should provide interested parties with copies of the *Foreclosure By Sale, Fact Sheet - Notice to Bidders* and answer questions about the bidding process and transfer of title procedures. For any legal questions, the committee may recommend that the bidder seek advice of their own counsel.

When the bidding has ended, the committee must declare the bidding over, the auction closed and the successful bidder, other than the plaintiff, must execute the *Sales Agreement - Foreclosure*, form JD-CV-88. The committee should explain the process for the court approval of the sale and the deadline for transfer of title. Before leaving the premises, the committee should make sure that all individuals attending the auction have left the property. If the plaintiff is the successful bidder, the *Sales Agreement - Foreclosure* is waived.

## POST-SALE PROCEDURE

Committee is required to provide the results of the auction to the Plaintiff as soon as reasonably possible, but no later than noon the Monday following the sale. Results of the auction are to include the successful bid amount as well as successful bidder name, address and contact information.

Where the amount of the successful bid exceeds the plaintiff's judgment debt, interest, and costs, the check for deposit and the balance of the funds from the closing should be deposited with the court on the next business day or as soon as possible thereafter, accompanied by the *Foreclosure Return of Sale - With Proceeds*, form JD-CV-98, which must be filed with the Clerk's Office on paper.

Where the amount of the successful bid is less than the plaintiff's judgment debt, interest, and costs, the committee shall file the *Foreclosure Return of Sale - No Proceeds*, form JD-CV-97.

The committee is not authorized to make any adjustments to the deposit or the purchase price. The successful bidder's check should be made payable to the bidder and endorsed to the "Clerk of the Superior Court" or, if made payable to another, endorsed to the "Clerk of the Superior Court".

In order for the sale and the committee's fees to be approved in the shortest period of time, the committee should file the *Foreclosure / Motion for Approval of Committee Sale, Approval of Committee Deed, Acceptance of Committee Report, Allowance of Fees and Expenses, Allowance of Appraiser's Fees*, form JD-CV-99, by the Wednesday following the sale. All additional motions and supporting documents (including the *Foreclosure by Sale Committee Report*, form JD-CV-75) must be filed no later than twelve (12) days after the filing of the *Motion for Approval of Sale*. The deed must be in the form of *Foreclosure by Sale Committee Deed*, form JD-CV-74. Any deviation must be approved by the court. The committee should mail the signed *Committee Deed* to the court upon the filing of the Motion for Approval. After the court approves and signs the deed, the clerk will scan the deed into the electronic file and return the original deed to the committee.

At the closing, the successful bidder must provide the committee with a certified or bank check payable to the Clerk of the Superior Court, for the balance of the purchase price. The successful bidder must record the committee deed within 30 days of the closing.

## FEES AND COSTS

When the committee report is filed and there is a deposit with the court, the committee may request the court's consideration for an order directing the plaintiff or the clerk of the court to reimburse expenses and pay fees within 45 days of the approval of sale. When the committee report is filed and there is no deposit with the court, the committee may request the court's consideration for an order directing the plaintiff to reimburse expenses and pay fees within 45 days of the approval of sale.

Committee fees will only be considered when an affidavit of service performance, which must contain an itemization in units of time, is filed with the *Foreclosure by Sale Committee Report*.

## ADDITIONAL INFORMATION

For additional committee information, see the *Foreclosure by Sale Standing Orders*, form JD-CV-79, and the Judicial Branch website, [www.jud.ct.gov](http://www.jud.ct.gov) under **Courts**, Superior Court, Standing Orders, Foreclosure Uniform Orders, Procedures and Forms.