

Enforcing Money Judgments

A Guide to Resources in the Law Library

- “In the usual case, money judgments are enforced by lien and foreclosure or execution or, in some circumstances of nonpayment, by a separate suit.” *Gentile v. Ives*, 163 Conn. 281, 303 A.2d 720 (1972)
- “‘**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 \(13\)](#)
- “‘**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 \(15\)](#)
- **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](#)
- **Federal Rules of Civil Procedure, Rule 69:** “(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.”

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- [Bankruptcy and the Family](#)
- [Child Support Enforcement](#)
- [Collection of Municipal Taxes in Connecticut](#)
- [Enforcement of Family, Civil Union and Foreign Matrimonial Judgments in Connecticut](#)
- [Foreclosure \(Mortgage\) in Connecticut](#)
- [Mechanics' Liens In Connecticut](#)
- [Repossession in Connecticut](#)

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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 \(9\) \(2009\)](#)

- "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 \(a\) \(2009\)](#)

- "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 \(b\) \(2009\)](#)

- "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 \(d\) \(2009\)](#)

- "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 his 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 \(2009\)](#)

SEE ALSO:

- [Section 2: Wage Executions](#)
- [Table 1: Exempt Property](#)

STATUTES:

- CONN. GEN. STAT. (2009)
 - [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.
- P.A. 09-152, section 4.

COURT RULES:

- CONNECTICUT PRACTICE BOOK (2009)
- § 17-52. Executions
 - § 24-30. Satisfying Judgment
 - § 24-32. Execution in Small Claims Actions

LEGISLATIVE:

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

CASES

- Lienfactors, LLC v. Crandall, No. CV 07 5002929, Judicial District of New London at New London (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 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 *Nazzarro 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. Sup. 291, 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.’”
- Bergen v. Belfonti, 47 Conn. Sup. 291, 791 A.2d 723 (2000). “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, Judicial District of Danbury, 20 Conn.L.Rptr. 530 (Oct. 23, 1997). “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, No. CV 95 0329017, Judicial District of Fairfield at Bridgeport, 18 Conn.L.Rptr. 643 (Feb. 28, 1997). "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:

Execution # 359, 402(4), 420.5(1), 420.5(2)
Judgment # 851 et seq.

TEXTS & TREATISES

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON'S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
Sec. 210 – Execution on Wages After Judgment.
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors' Comments to Form 108.2-A.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS' DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.

ENCYCLOPEDIAS:

- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 638. Exemptions.
 - § 639. Order for payment in installments.
- 12 Am Jur Trials 193. *Collection Practice* (1966).
 - § 48 Installment Payments.

PAMPHLETS:

- [Small Claims Court](#) (Legal Assistance Resource of Connecticut pamphlet)

FORMS:

- [JD-CV-3](#) - Wage Execution Proceedings Application, Order, Execution
 - [JD-CV-3](#) (with automatic calculations)
- [JD-CV-3a](#) - Exemption And Modification Claim Form, Wage Execution
- 10 Am Jur Pleading & Practice Forms. *Executions*
 - § 376. Notice - Motion to compel judgment debtor to make payments in installments out of income

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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](#)
 - [Enforcement of Family Judgments](#)
- 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 \(4\) \(2009\)](#)
 - “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 \(5\) \(2009\)](#)
 - “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 \(d\) \(2009\)](#)
 - “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 his 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 \(2009\)](#)
 - 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...for the **garnishment of earnings** as defined in subdivision (5) of section 52-350a. (Emphasis added.)
[CONN. GEN. STAT. § 52-278b \(2009\)](#)
- SEE ALSO:**
- [Section 1: Installment Payment Orders](#)
 - [Table 1: 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 information for understanding collection procedure.

STATUTES:

- CONN. GEN. STAT. (2009)
 - [Chapter 906 – Postjudgment Procedures](#)
 - § 52-350a. Definitions.
 - § 52-356d. Installment payment order.
 - § 52-361a. **Execution on wages after judgment.**
 - § 52-361b. Notification of judgment debtor's rights. Claim for exemption or modification.
 - § 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.
- P.A. 09-152, section 4.

COURT RULES:

- CONNECTICUT PRACTICE BOOK (2009)
- § 17-52. Executions
 - § 24-30. Satisfying Judgment (Small Claims)
 - § 24-32. Execution in Small Claims Actions

LEGISLATIVE:

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

ATTORNEY GENERAL'S OP.

- [Attorney General's Opinion, February 1, 2002](#)
 "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.'"

CASES

- [The Cadle Company v. Sydorowycz](#), No. CV 00-0597714 (Jun. 5, 2001). "[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](#), 20 Conn.L.Rptr. 530 (Oct. 23, 1997). "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, 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...Issuing a wage execution...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."
- General Tires, Inc. v. United Aircraft Corporation, 143 Conn. 191, 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:

Execution # 359, 420.5(1), 420.5(2), 420.5(3)
Judgment # 851 et seq.

TEXTS & TREATISES:

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON'S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 210 – Execution on Wages After Judgment.
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors' Comments to Form 108.2-A.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS' DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.
- JEFFREY L. HIRSCH, *LABOR AND EMPLOYMENT IN CONNECTICUT: A GUIDE TO EMPLOYMENT LAWS, REGULATIONS AND PRACTICE* (2ND ED. 2007).
 - Section 2-10 – Garnishments

ENCYCLOPEDIAS:

- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 566. Earnings.
 - § 567. What constitutes earnings or wages.
 - § 568. Future earnings.
 - § 573. Pension or retirement funds.
 - § 575. Other items and interests.
 - § 603. Debtor's special interest in wages and bank accounts.
 - § 638. Exemptions.
 - § 639. Order for payment in installments.

PAMPHLETS:

- [A Guide to Wage Attachments: Find out what you can do if money is being taken from your wages to pay debts.](#) (Legal Assistance Resource Center of Connecticut)
- [How do I collect money on a judgment?](#) (Connecticut Judicial Branch Small Claims FAQ)

- [Small Claims Court](#) (Legal Assistance Resource of Connecticut)
- [The Small Claims Process](#) (Connecticut Judicial Branch pamphlet)
- [JD-CV-3](#) - Wage Execution Proceedings Application, Order, Execution
 - [JD-CV-3](#) (with automatic calculations)
- [JD-CV-3a](#) - Exemption And Modification Claim Form, Wage Execution

FORMS:

COMPILER:

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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 \(8\)](#)
 - “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 \(1\)](#)
- SEE ALSO:**
- [Table 1: 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 information for understanding collection procedure.
- STATUTES:**
- CONN. GEN. STAT. (2009)
 - [Chapter 906 – Postjudgment Procedures](#)
 - § 52-350a. Definitions.
 - § 52-356b. Court order for transfer of specified property or evidence. (*turnover order*)
 - § 52-367a. Execution against debts due from financial institution. Judgment debtor **other than natural person**.
 - § 52-367b. Execution against debts due from financial institution. **Natural person as judgment debtor**.
- COURT RULES:**
- CONNECTICUT PRACTICE BOOK (2009)
- § 17-52. Executions
 - § 24-30. Satisfying Judgment (Small Claims)
 - § 24-32. Execution in Small Claims Actions
- LEGISLATIVE:**
- Susan Price-Livingston, *Freezing Bank Accounts*, Connecticut General Assembly, Office of Legislative Research, OLR Report [2002-R-0510](#) (May 28, 2002)
 - Christopher Reinhart, *Enforcing Small Claims Judgments*, Connecticut General Assembly, Office of Legislative Research, OLR Report [2004-R-0143](#) (February 9, 2004).

CASES

- Phoenix Windows, Inc. v. Viking Construction, Inc., 88 Conn. App. 74, 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.
- 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 . . .

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.”

- Ferrato v. Webster Bank, 67 Conn. App. 588, 789 A.2d 472 (2002). “Accordingly, § 52-367a does not authorize execution against funds erroneously credited to the judgment debtor's account.”
- Normand Josef Enterprises v. Connecticut National Bank, 230 Conn. 486, 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:

Execution # 56 et seq.
Judgment # 851 et seq.

DIGESTS:

ALR Digest: *Execution*

TEXTS & TREATISES

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON'S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 209 – Property Subject to or Exempt from Execution — **subsection h. Bank Accounts**
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors' Comments to Form 108.1D.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS' DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.

- ENCYCLOPEDIAS:**
- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 564. Bank Accounts.
 - § 567. Jointly-owned property.
 - § 638. Exemptions.

- 86 A.L.R.5th 527. Joint Bank Account as Subject to Attachment, Garnishment, or Execution by Creditor of One Joint Depositor.

- PAMPHLETS:**
- [How do I collect money on a judgment?](#) (Connecticut Judicial Branch Small Claims FAQ)
 - [The Small Claims Process](#) (Connecticut Judicial Branch pamphlet)

- FORMS:**
- [JD-CV-24](#) – Financial Institution Execution Proceedings - Judgment Debtor Who Is a Natural Person, Application and Execution
 - [JD-CV-24](#) (with automatic calculations)
 - [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
 - [JD-CV-24N](#) (with automatic calculations)
 - [JD-CV-72](#) – Application For Hearing On Exempt Status of Funds
 - [JD-CV-73](#) – Affidavit RE: Exempt Status of Funds

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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 \(16\)](#)
- “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 \(a\) \(1\)](#)
- “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 \(a\)](#)
- “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 \(a\)](#)

SEE ALSO:

- [Table 1: 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 information for understanding collection procedure.

STATUTES:

- CONN. GEN. STAT. (2009)
 - [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.

COURT RULES:

CONNECTICUT PRACTICE BOOK (2009)

- § 17-52. Executions
- § 24-30. Satisfying Judgment (Small Claims)
- § 24-32. Execution in Small Claims Actions

LEGISLATIVE:

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

CASES

- [Coyle Crete, LLC v. Nevins](#), Superior Court, judicial district of New Haven at New Haven, Docket No. CV06-5004795S (Mar. 19, 2008). “It is also noted that § 52-356a is contained in Chapter 906, which is entitled ‘Postjudgment Procedures,’ and ‘[provides] a host of newer postjudgment procedures to enable judgment creditors to collect

judgment debts.’ *BI Liquidation Corp. v. New Berkshire Industries, Inc.*, Superior Court, judicial district of New Britain, Docket No. CV 06 5000951 (January 16, 2008, Pittman, J.). A comparison of the ‘immunity’ provisions of several of these statutes provides further support for concluding that the legislature intended that the immunity provision of § 52-356a(a)(5) should only extend to actions for the property. Two of the statutes contain provisions that are similar to § 52-356a(a)(5). General Statutes § 52-361a, the statute that applies to postjudgment wage executions, provides in relevant part: ‘(g) Any employer served with a wage execution . . . shall . . . pay over to the levying officer such portion of the judgment debtor’s nonexempt earning as the execution prescribes . . . The payments [that the employer makes] to the levying officer in compliance with the wage execution shall bar any action against the employer for such payments.’ General Statutes § 52-362, the statute that outlines the procedures for withholding income and from persons who are obligated to pay family support pursuant to a court order, contains a somewhat broader provision, which provides in relevant part: ‘(o) An employer who withholds the income of an obligor pursuant to a withholding order issued under . . . this section that is regular on its face shall not be subject to civil liability to any individual or agency for conduct in compliance with such order.’

On the other hand, the bank execution statute, General Statutes § 52-367a, provides an immunity that is more detailed and potentially broader than § 52-356a(a)(5).”

- Anthony Julian Rr Const. v. Mary Ellen Dr. Assoc., 50 Conn. App. 289, 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.”

- Anthony Julian Rr Const. v. Mary Ellen Dr. Assoc., 50 Conn. App. 289, 717 A.2d 294 (1998). “...we hold that a property execution is an improper remedy in this action for foreclosure of a mechanic’s lien.”

WEST KEY NUMBERS:

Execution # 20, 21, 25, 32, 33
Judgment # 851 et seq.

DIGESTS:

ALR Digest: *Execution*

TEXTS & TREATISES

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON’S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 209 – Property Subject to or Exempt from...
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors’ Comments to Form 108.1A.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS’ DESKBOOK* (3RD ED. 2008).

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

- ENCYCLOPEDIAS:**
- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 137. Personal or real property, generally
 - § 140. Crops and timber; grain futures
 - § 141. Property in sealed or locked container
 - § 142. Intangible property, generally; executory contracts
 - § 143. Cause of action; choses in action
 - § 145. Promissory notes
 - § 146. Judgments; judgment liens
 - § 147. Insurance policies; proceeds; premiums
 - § 148. Patents, copyrights, and trademarks
 - § 149. Licenses or permits; franchises; stock exchange seat
 - § 150. Corporate stock, generally; limited liability company interests
 - § 567. Jointly-owned property.
 - § 572. Property in another state or county
 - § 638. Exemptions.

- PAMPHLETS:**
- [How do I collect money on a judgment?](#) (Connecticut Judicial Branch Small Claims FAQ)

- [The Small Claims Process](#) (Connecticut Judicial Branch)

- FORMS:**
- [JD-CV-5](#) – Property Execution Proceedings - Application, Order, Execution
 - [JD-CV-5](#) (with automatic calculations)
 - [JD-CV-5b](#) – Exemption Claim Form, Property Execution
 - [JD-CV-5c](#) – Property Execution Proceedings, Claim For Determination of Interests

COMPILER: Christopher Roy, Connecticut Judicial Branch Law Library at New Britain, 20 Franklin Square, New Britain, CT 06051. (860) 515 5110. [Email](#).

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 \(16\)](#)
- (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](#)
- “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 \(a\)](#)

SEE ALSO:

- [Table 1: Exempt Property](#)

- [Figure 1: Application for Turnover Order](#)

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 information for understanding collection procedure.

STATUTES:

- CONN. GEN. STAT. (2009)
 - [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.

COURT RULES:

CONNECTICUT PRACTICE BOOK (2009)

- § 17-52. Executions
- § 24-30. Satisfying Judgment (Small Claims)
- § 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](#)]

LEGISLATIVE:

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

CASES

- [B.I. Liquidation Corporation v. New Berkshire Industries, Inc.](#), No. HHB CV06 5000951, Judicial District of New Britain at New Britain (January 16, 2008). "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) “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.”
- Sarasota CCM, Inc. v. Golf Marketing, LLC, 94 Conn. App. 34, 891 A.2d 72 (2006) “The law of turnover orders is entirely statutory. . . These statutes have not been extensively litigated.”
- PB Real Estate, Inc. v. Dem II Properties, 50 Conn. App. 741, 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, 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:**

*Execution # 402
Judgment # 851 et seq.*

**TEXTS &
TREATISES**

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON’S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 214 – Legal and Equitable Procedures in Aid of Execution — **subsection f. Turnover Orders**
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors’ Comments to Form 108.1–A.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS’ DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.

ENCYCLOPEDIAS:

- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 637. Turnover orders.
 - § 638. Exemptions.

FORMS:

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

COMPILER:

Christopher Roy, Connecticut Judicial Branch Law Library at New Britain, 20 Franklin Square, New Britain, CT 06051. (860) 515 5110. [Email](#).

Figure 1

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

**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

Judgment Liens

A Guide to Resources in the Law Library

- SCOPE:**
- Bibliographic resources concerning judgment liens.
- TREATED ELSEWHERE**
- [Mechanics' Liens in Connecticut](#)
 - [Foreclosure \(Mortgage\) in Connecticut](#) (pdf)
- 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 \(16\)](#)
 - "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, 618 A.2d 1371 (1993). [Footnote 1]
 - **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](#)
 - **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](#)
 - **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 \(a\)](#)

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 \(b\)](#)

- **Foreclosure of liens.** "A judgment lien on real property may be foreclosed or redeemed in the same manner as mortgages on the same property. . . The judgment lien shall expire twenty 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 \(c\)](#)

SEE ALSO:

- [Table 1: Exempt Property](#)
- [Table 2: Expiration of Judgments](#)
- [Table 3: 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:

- CONN. GEN. STAT. (2009)
 - [Chapter 821 – Land Titles](#)
 - § 47-36. Federal claim or judgment to be recorded.
 - [Chapter 847 – Liens](#)
 - § 49-51. Discharge of invalid lien.
 - [Chapter 906 – Postjudgment Procedures](#)
 - § 52-350a. Definitions.
 - § 52-551a. 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.

CASES

- Lienfactors, LLC v. Crandall, No. CV 07 5002929, Judicial District of New London at New London (Oct. 2, 2008). "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, 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, No. FST CV 06 4007993, Judicial District of Stamford-Norwalk at Stamford (March 30, 2007). "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."
- All Seasons Services, Inc. v. Guildner, 89 Conn. App. 781, 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 (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, at *5 (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 *2 (same); see also *Phillips v. Phillips*, 2004 WL 503905 (Conn.Super.Ct. Feb.25, 2004), 2004 Conn.Super. LEXIS 456, at *2 (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, 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."
- *Mac's Car City, Inc. v. Diloreto*, 238 Conn. 172, 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."
- *Fairfield Plumbing & Heating Supply Corp. v. Kosa*, 220 Conn. 643, 600 A.2d 1 (1991). "Accordingly, we hold that, pursuant to 52-380a (c), the provisions of 49-14 (a) concerning deficiency judgments apply to strict foreclosures upon judgment liens."
- *Union Trust Co. v. Heggelund*, 219 Conn. 620, 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."
- *First New Haven National Bank v. Rowan*, 2 Conn. App. 114, 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 # 752 et seq.

DIGESTS:

ALR Digest: - *Execution*
- *Judgment*

TEXTS & TREATISES

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON'S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 208 – Judgment Lien
- 3A JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors' Comments to Form S-153.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS' DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.

ENCYCLOPEDIAS:

- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 123. Exemption of property from execution – Property not subject to, or divested of, judgment lien.
 - § 146. Judgment; judgment liens.
 - § 378. Reinstatement of judgment lien.
 - § 491. Judgment and execution liens.
 - § 638. Exemptions.
 - § 817. Judgment liens; judgment in favor of the United States.
- 46 AM. JUR. 2D. *Judgments* (2006)
 - V. Lien of Judgment or Execution, §§ 342-384.
 - VI. Dormancy; Revival or Renewal, §§ 385-430.
- 51 AM. JUR. 2D. *Liens* (2000)

PAMPHLETS:

- [The Small Claims Process](#) (Connecticut Judicial Branch pamphlet)
- [When may a judgment lien be placed on real property \(real estate\)?](#) (Connecticut Judicial Branch Small Claims FAQ)

FORMS:

- Form S-153. **Complaint for Foreclosure of Judgment Lien.** 3A JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
- Form S-153-A. **Judgment Lien.** 3A JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).

COMPILER:

Christopher Roy, Connecticut Judicial Branch Law Library at New Britain, 20 Franklin Square, New Britain, CT 06051. (860) 515 5110. [Email](#).

Section 7

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 \(a\)](#)
- “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 \(c\)](#)
- Any party from whom discovery is sought may seek a protective order pursuant to section 52-400a.
[CONN. GEN. STAT. § 52-351b \(d\)](#)
- “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](#)

SEE ALSO:

- [Table 1: 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 information for understanding collection procedure.

STATUTES:

- CONN. GEN. STAT. (2009)
 - [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.

COURT RULES:

CONNECTICUT PRACTICE BOOK (2009)

- § 13-30. 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.

LEGISLATIVE:

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

CASES

- [Briggs v. Briggs](#), No. DN CV 07 026460 S, Judicial District of Stamford-Norwalk at Stamford (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."
- [All Seasons Services, Inc. v. Guildner](#), 89 Conn. App. 781, 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, 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:

Execution # 358 et seq.
Judgment # 851 et seq.

DIGESTS:

ALR Digest: *Execution*

TEXTS & TREATISES

- 2 RENEE BEVACQUA BOLLIER AND SUSAN V. BUSBY, *STEPHENSON'S CONNECTICUT CIVIL PROCEDURE* (3RD ED. 2002).
 - Chapter 18 – Enforcement of Judgments.
 - Sec. 219 – Discovery Post-Judgment
- 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
 - Authors' Comments to Form 108.1—F.
- CONNECTICUT BAR ASSOCIATION, *CONNECTICUT LAWYERS' DESKBOOK* (3RD ED. 2008).
 - Chapter 5, Debt Collection, by Jeanine M. Dumont.

ENCYCLOPEDIAS:

- 30 AM. JUR. 2D. *Executions and Enforcement of Judgments* (2005).
 - § 615. Postjudgment Discovery – Generally
 - § 616. Federal court proceedings
 - § 617. Examination and hearing
 - § 618. Conduct and examination
 - § 619. Scope of examination
 - § 620. Impermissible inquiries
 - § 621. Assertion of privileges
 - § 622. Assertion of privileges – Privilege against self-incrimination
 - § 623. Protection against abuse of discovery

PAMPHLETS:

- [The Small Claims Process](#) (Connecticut Judicial Branch pamphlet)

FORMS:

- [JD-CV-23](#) – Post Judgment Remedies Interrogatories
- [JD-CV-23a](#) – Interrogatories
- [JD-CV-54](#) – Petition for Examination of Judgment Debtor and Notice of Hearing

COMPILER:

Christopher Roy, Connecticut Judicial Branch Law Library at New Britain,
20 Franklin Square, New Britain, CT 06051. (860) 515 5110. [Email](#).

Table 1

Exempt Property
<p><i>The cases also hold that claims of exemption are to be liberally construed in favor of the owner who is claiming the exemption.</i> <u>Konover Const. Corp. v. Silberstein</u>, No. CV 02-0467948 S (Conn. Super. Ct., July 22, 2003).</p>
<ul style="list-style-type: none"> • <u>PUBLIC ACT NO. 09-208</u>, SECTION 42. <p>Section 52-352b of the general statutes is repealed and the following is submitted in lieu thereof (<i>Effective October 1, 2009</i>):</p> <p>The following property of any natural person shall be exempt:</p> <ul style="list-style-type: none"> (a) Necessary apparel, bedding, foodstuffs, household furniture and appliances; (b) 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; (c) Burial plot for the exemptioner and his or her immediate family; (d) Public assistance payments and any wages earned by a public assistance recipient under an incentive earnings or similar program; (e) Health and disability insurance payments; (f) Health aids necessary to enable the exemptioner to work or to sustain health; (g) Workers' compensation, Social Security, veterans and unemployment benefits; (h) Court approved payments for child support; (i) Arms and military equipment, uniforms or musical instruments owned by any member of the militia or armed forces of the United States; (j) One motor vehicle to the value of three thousand five hundred dollars, provided value shall be determined as the fair market value of the motor vehicle less the amount of all liens and security interests which encumber it; (k) Wedding and engagement rings; (l) Residential utility deposits for one residence, and one residential security deposit; (m) Any assets or interests of an exemptioner in, or payments received by the exemptioner from, a plan or arrangement described in section 52-321a; (n) Alimony and support, other than child support, but only to the extent that wages are exempt from execution under section 52-361a; (o) An award under a crime reparations act; (p) 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;

(q) 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;

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

(s) 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 unmaturing life insurance contract owned by the exemptioner under which the insured is the exemptioner or an individual of whom the exemptioner is a dependent;

(t) The **homestead of the exemptioner** to the value of seventy-five thousand dollars, or, in the case of a money judgment arising out of services provided at a hospital, to the value of one hundred twenty-five 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; and

(u) Irrevocable transfers of money to an account held by a [~~bona-fide~~ ~~nonprofit~~] debt adjuster licensed pursuant to sections 36a-655 to 36a-665, inclusive, as amended by this act, for the benefit of creditors of the exemptioner.

(Emphasis added.)

- [CONN. GEN. STAT. § 52-352d \(2009\)](#)

(a) As used in this section, "exempt" shall have the same meaning as set forth 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.

- [CONN. GEN. STAT. § 52-321a \(2009\)](#)

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

Table 2

Expiration of Judgments
<ul style="list-style-type: none"> • PUBLIC ACT NO. 09-215 [NOTE: SUBSECTION (C) CONCERNING REVIVAL OF JUDGMENTS ADDED] <p>Section 1. Section 52-598 of the general statutes is repealed and the following is substituted in lieu thereof (<i>Effective October 1, 2009</i>):</p> <p>(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.</p> <p>(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.</p> <p><u>(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.</u></p>
<ul style="list-style-type: none"> • CONN. GEN. STAT. § 52-380a (c) (2009) <p>The [real property] judgment lien shall expire twenty 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> <p><i>See also: CONN. GEN. STAT. § 52-380c</i></p>
<ul style="list-style-type: none"> • CONN. GEN. STAT. § 52-355a (c) (2009) <p>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 (<i>Table 2 Continued</i>)</p>

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.

Table 3

Duration of Attachment Liens After Judgment

- [CONN. GEN. STAT. § 52-328 \(2009\)](#)

(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.

(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**.

(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.

(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.

(Emphasis added.)

Table 4

Charging Orders
<p><i>"[A] charging order . . . is neither fish nor fowl. It is neither an assignment nor an attachment." Bank of Bethesda v. Koch, 44 Md. App. 350, 354, 408 A.2d 767 (1979). Under this procedure, a court may grant a judgment creditor's application and issue an order charging the debtor partner's interest in the partnership with payment of the judgment debt... 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.</i></p> <p><u>Madison Hills Limited Partnership II v. Madison Hills</u>, 35 Conn. App. 81, 644 A.2d 363 (1994).</p>
<ul style="list-style-type: none"> • UNIFORM LIMITED PARTNERSHIP ACT CONN. GEN. STAT. § 34-30 (2009) <p>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.</p> <ul style="list-style-type: none"> • LIMITED LIABILITY COMPANIES ACT CONN. GEN. STAT. § 34-171 (2009) <p>On application to a court of competent jurisdiction by any judgment creditor of a member, the court may charge the member's limited liability company interest 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 member's limited liability company interest. Nothing in sections 34-100 to 34-242, inclusive, shall be held to deprive a member of the benefit of any exemption provided by law applicable to such person's limited liability company membership interest.</p> <ul style="list-style-type: none"> • UNIFORM PARTNERSHIP ACT CONN. GEN. STAT. § 34-349 (2009) <p>(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.</p> <p>(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.</p> <p>(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.</p> <p>(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.</p>

(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.

Table 5

A. Uniform Fraudulent Transfers Act
<ul style="list-style-type: none"> • CONN. GEN. STAT. § 52-552 through 52-552I (2009) <p>From 52-552e(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> • CONN. GEN. STAT. (2009) <ul style="list-style-type: none"> Sec. 52-552. Fraudulent conveyances, judgments, contracts, when void. Sec. 52-552a. Short title: Uniform Fraudulent Transfer Act. Sec. 52-552b. Definitions. Sec. 52-552c. Insolvency. Sec. 52-552d. Value. Sec. 52-552e. Transfers fraudulent as to present creditors. Sec. 52-552f. Transfers fraudulent as to present creditors. Sec. 52-552g. When transfer is made or obligation is incurred. Sec. 52-552h. Remedies of creditors. Sec. 52-552i. Defenses, liability and protection of transferee. Sec. 52-552j. Extinguishment of cause of action. Sec. 52-552k. Supplementary provisions. Sec. 52-552l. Uniformity of application and construction.
B. Liability for Fraud in Contracting Debt; Concealing Property.
<ul style="list-style-type: none"> • CONN. GEN. STAT. § 52-562 (2009) <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>

Table 6

Reverse Piercing of the Corporate Veil

In the usual veil piercing case, a court is asked to disregard a corporate entity so as to make available the personal assets of its owners to satisfy a liability of the entity. In this case, an instance of what is known as "reverse piercing," the plaintiff argues the opposite, that the assets of the corporate entities should be made available to pay the personal debts of an owner. Litchfield Asset Management Corp. v. Howell, 70 Conn. App. 133, 799 A.2d 298 (2002).

Cadle Co. v. Zubretsky, Superior Court, judicial district of Hartford at Hartford, Docket No. CV 04-0832477-S (Jan. 30, 2008) (44 Conn. L. Rptr. 843).

In Litchfield, the court stated "we consider that under the appropriate circumstances, i.e., when the elements of the identity or the instrumentality rule have been established, a reverse pierce is a viable remedy that a court may employ . . .

To satisfy the instrumentality rule the plaintiff must prove the following: (1) [c]ontrol not mere majority or complete stock control but complete domination; not only of finances but of policy and business practices in respect to the transaction attacked so that the corporate entity as to this transaction had at the time no separate mind, will or existence of its own; (2) such control must have been used by the defendant to commit fraud or wrong, to perpetrate the violation of a statutory or other positive legal duty, or a dishonest or unjust act in contravention of plaintiffs' legal right; and (3) that the force of control and breach of duty must proximately cause the injury or unjust loss complained of. Litchfield, 70 Conn.App. 152. Quoting from Angelo Tomasso, Inc. v. Armor Construction & Paving, Inc., 187 Conn. 544, 553 (1982).

"A key factor in making a determination of whether the corporate shield should be disregarded is the degree of control or influence exercised over the corporation by the individuals sought to be held liable." Falcone v. Knight Watchmen, Inc. 11 Conn.App. 218, 221 (1987). In determining whether an entity has been dominated or controlled, courts look for the presence of a number of factors including (1) the absence of corporate formalities; (2) inadequate capitalization; (3) where the funds are put in and taken out of the corporation for personal rather than corporate purposes; (4) overlapping ownership, officers directors, personnel; (5) common office space, addresses, phones; (6) the amount of business discretion by the allegedly dominated corporation; (7) whether the corporations dealt with each other at arm's length; (8) whether the corporations are treated as independent profit centers; (9) payment or guarantee of debts of the dominated corporation; and (10) whether the corporation in question had property that was used by other of the corporations as if it were its own. Litchfield at page 152. Quoting Hale Propeller LLC v. Ryan Marine Products Pty. Ltd., 98 F.Supp.2d 260, 265 (D.Conn. 2000). . .

"The identity rule has been stated as follows: If a plaintiff can show that there was such a unity of interest and ownership that the independence of the corporations had in effect ceased or had never begun, an adherence to the fiction of corporate identity would serve only to defeat justice and equity by permitting the economic entity to escape liability arising out of an operation conducted by one corporation for the benefit of the whole enterprise, "quoting from Davenport v. Quinn, 53 Conn.App. 300-01, and Angelo Tomasso, Inc. v. Armour Corporation & Paving Inc., 187 Conn. 554. Litchfield Asset Management Corp. v. Howell, 70 Conn.App. 133 (2002), is the only case in Connecticut approving reverse piercing of the corporate veil.

Table 7

Abusive, Harassing, Fraudulent, Deceptive or Misleading Debt Collection Practices. Liability. Exemptions. Limitations on Actions.
<p>CONN. GEN. STAT. § 36a-648 (2009)</p> <p>(a) A creditor, as defined in section 36a-645, who uses any abusive, harassing, fraudulent, deceptive or misleading representation, device or practice to collect or attempt to collect a debt in violation of section 36a-646 or the regulations adopted pursuant to section 36a-647 shall be liable to a person who is harmed by such conduct 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>(P.A. 07-176, S. 1.)</p> <p>History: P.A. 07-176 effective July 1, 2007, and applicable to any cause of action accruing on or after that date.</p>
<p>See also:</p> <ul style="list-style-type: none"> ○ CONNECTICUT CREDITORS' COLLECTION PRACTICES ACT CONN. GEN. STAT. § 36a-645 (2009) <ul style="list-style-type: none"> ▪ Regulations from the Connecticut Department of Banking Sections 36a-647-1 to 36a-647-7 ○ CONNECTICUT CONSUMER COLLECTION AGENCY ACT CONN. GEN. STAT. § 36a-800 (2009) <ul style="list-style-type: none"> ▪ Regulations from the Connecticut Department of Banking Sections 36a-809-1 to 36a-809-5

Table 8

Enforcing Foreign Judgments in Connecticut <i>For step-by-step filing procedures for civil foreign judgments, see the Connecticut Superior Court Civil Procedures for a Civil Foreign Judgment.</i>
<p>UNIFORM ENFORCEMENT OF FOREIGN JUDGMENTS ACT</p> <ul style="list-style-type: none"> CONN. GEN. STAT. § 52-604 (2009) 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. Recent Case Law: <p><u>Roe v. Klein</u>, 87 Conn. App. 337 (2005). "Therefore, any proceeding before our courts related to a properly domesticated final foreign judgment is treated as post-judgment in nature. <u>Harris v. Harris</u>, 14 Conn. App. 384, 386 n. 2, 540 A.2d 1079 (1988). Accordingly, any interest ordered on a domesticated foreign judgment is postjudgment interest."</p> <p><u>Segal v. Segal</u>, 86 Conn. App. 617 (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.' <u>Burchett v. Roncari</u>, 181 Conn. 125, 129, 434 A.2d 941 (1980); see also <u>Bank of North America v. Wheeler</u>, 28 Conn. 433, 441 (1859)."</p> <p><u>Moasser v. Becker</u>, 78 Conn. App. 305 (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."</p> <p><u>Nastro v. D'Onofrio</u>, 76 Conn. App. 814 (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."</p>
<p>CONN. GEN. STAT. § 52-607 (2009)</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. (Emphasis added.)</p>

**TREATED
ELSEWHERE**

- [Out-of-State Child Support Orders in Connecticut](#)
- [Enforcement of foreign matrimonial judgments under UIFSA](#)
- [Enforcement of foreign matrimonial judgments under URESA](#)

Frequently Asked Questions:

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

See the Uniform Enforcement of Foreign Judgments Act (UEFJA), [CONN. GEN. STAT. § 52-604 et seq.](#), for the 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 \(2009\)](#) 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?*

See 2 JOEL M. KAYE & WAYNE D. EFFRON, *CONNECTICUT CIVIL PRACTICE FORMS* (4TH ED. 2004).
• Form 304.40 (Action on Judgment) and Authors' Comments.

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

See [CONN. GEN. STAT. 50a-30 et seq.](#)
(Uniform Foreign Money-Judgments Recognition Act)

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

Yes. The courthouses make them available and they are available online at <http://www.jud2.ct.gov/webforms/default.htm#CIVIL>.

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](#).

7. *How long does my money judgment last against the defendant?*

See [CONN. GEN. STAT. § 52-598](#). See also - Table 2: Expiration of Judgments.

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

See the Mashantucket Pequot Tribal Laws
(<http://www.mptnlaw.com/Tribal%20Laws.htm>)

- Title 23 - [Foreign Judgments, Wage Executions & Subpoenas](#)



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