

## FORECLOSURE CHECKLIST CONNECTICUT

When insuring a purchaser or lender and there is a foreclosure in the chain of title, the following guidelines apply:

1. **Examination of the Court file** - In all cases, the Court foreclosure file must be examined to ensure that all proper procedures were followed. These include the following:
  - a. Verification that the plaintiff (or any substituted plaintiff) in the action is the holder of record of the mortgage being foreclosed.
  - b. If the Plaintiff was not the record holder of the mortgage, confirm judgment entered pursuant to C.G.S. §49-17 and the record holder of the mortgage was named as a defendant in the complaint and properly served;
  - c. Verification that the owner(s) of the property and all junior encumbrancers as reflected in the title search were properly served and defaulted or summary judgment entered against them;
  - d. Verify the interest of each defendant is properly set forth in the complaint including reference to the correct book and page of any junior liens being foreclosed out.
  - e. Verification that judgment was entered, that laws day ran in the case of a strict foreclosure or that the sale was approved in a foreclosure by sale, the 20 day appeal period has expired, and that no bankruptcy, appeals or motions to reopen were filed.
2. **Time periods** – The foreclosure must be final and the following time periods must be verified:
  - a. In a strict foreclosure, the law days must have run, plus thirty days, and title must be absolute in the plaintiff or in an encumbrancer.
  - b. In a foreclosure by sale, four months must have passed since the entry of the judgment of foreclosure by sale.
  - c. In both cases, there must be no evidence in the Court file of any motion to reopen or vacate the judgment.
3. **Standard exceptions** – Standard underwriting rules apply in removal of standard exceptions (parties in possession, mechanic's liens, and survey matters). The standard title affidavit may be used as in normal situations, **provided** it is obtained from a **competent** affiant. If unavailable, the exceptions may not be deleted.
4. **CT Emergency Mortgage Assistance Program (EMAP)** Confirm a certified letter complying with the statute was sent to all borrowers and was sent to the foreclosed property. No letter is necessary if the property is not owner occupied or if the owner is deceased. Examine the EMAP affidavit on file with the court. Failure to comply with EMAP is jurisdictional and can be raised after judgment has entered.

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**For Questions, contact our New England Underwriting Counsel:**

*Lisa Vesperman Still, Esq*

781-660-3078

[lstill@wfgtitle.com](mailto:lstill@wfgtitle.com)

*Bill Peacock, Esq.*

860-834-3749

[bpeacock@wfgtitle.com](mailto:bpeacock@wfgtitle.com)

5. **CARES Act Moratorium** – If foreclosure conducted between March 18, 2020 and July 31, 2021, confirm the mortgage was not subject to the moratorium by reviewing the affidavits filed in the foreclosure action, including supporting documentation.

**In addition, it must be verified that the owner(s) of the property who were foreclosed are not in possession.**

**In the event that your foreclosure search does reveal irregularities or variations in the above, please contact your local underwriting counsel.**

### FORECLOSURE REVIEW CHECKLIST

1. Property: \_\_\_\_\_
2. Court: Judicial District of \_\_\_\_\_ at \_\_\_\_\_
3. Docket Number: \_\_\_\_\_
4. Original plaintiff: \_\_\_\_\_  
 Substituted plaintiff: \_\_\_\_\_  
 Is the Plaintiff/Substituted Plaintiff the holder of the mortgage? \_\_\_\_ Yes \_\_\_\_ No  
 If not, did judgment enter pursuant to C.G.S. 49-17? \_\_\_\_ Yes \_\_\_\_ No  
 Was the record holder of the mortgage named as a defendant? \_\_\_\_ Yes \_\_\_\_ No
5. Defendants:
 

Name	Nature of Interest	How served?	Default/MSJ
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
_____	_____	_____	_____
6. Were all owners and pre-lis pendens lien holders named in the complaint and properly served?  
 \_\_\_\_ Yes \_\_\_\_ No
7. Interests alleged to be prior in right to plaintiff's:  
 \_\_\_\_\_  
 \_\_\_\_\_  
 \_\_\_\_\_

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*Lisa Vesperman Still, Esq*  
 781-660-3078  
[lstill@wfgtitle.com](mailto:lstill@wfgtitle.com)

*Bill Peacock, Esq.*  
 860-834-3749  
[bpeacock@wfgtitle.com](mailto:bpeacock@wfgtitle.com)

8. Defendants added after case returned to court:

Name	Nature of interest	How served?	Appearance
_____	_____	_____	_____
_____	_____	_____	_____

9. Date of judgment: \_\_\_\_\_ Judge: \_\_\_\_\_  
 Debt: \_\_\_\_\_ Attorney's fees: \_\_\_\_\_

10. Appraised value: \_\_\_\_\_ Appraiser: \_\_\_\_\_

11. Judgment of strict foreclosure:  
 Law days assigned:  
 Owner: \_\_\_\_\_ (date)  
 Defendant \_\_\_\_\_ (date)  
 Defendant \_\_\_\_\_ (date)  
 Defendant \_\_\_\_\_ (date)  
 Title to become absolute in plaintiff on \_\_\_\_\_ (date).

Certificate of Foreclosure recording information:  
 Date: \_\_\_\_\_  
 Book: \_\_\_\_\_  
 Page: \_\_\_\_\_

If foreclosure pursuant to C.G.S. 49-17:  
 JD-CV-150 Recording Information:  
 Date: \_\_\_\_\_  
 Book: \_\_\_\_\_  
 Page: \_\_\_\_\_

12. Judgment of foreclosure by sale:  
 Committee: \_\_\_\_\_  
 Sale date: \_\_\_\_\_  
 Appraiser: \_\_\_\_\_ Return of appraisal by: \_\_\_\_\_  
 Deposit required: \_\_\_\_\_

Return of appraisal filed: \_\_\_\_\_ Appraised value: \_\_\_\_\_  
 Committee report filed on: \_\_\_\_\_  
 Successful bidder: \_\_\_\_\_  
 Amount of bid: \_\_\_\_\_

Sale was  
 \_\_\_ Not approved on \_\_\_\_\_ by Judge \_\_\_\_\_  
 \_\_\_ approved on \_\_\_\_\_ by Judge \_\_\_\_\_  
 Committee fee allowed: \$ \_\_\_\_\_ Expenses: \$ \_\_\_\_\_

13. Any indication of a redemption?

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 781-660-3078 860-834-3749  
[lstill@wfgtitle.com](mailto:lstill@wfgtitle.com) [bpeacock@wfgtitle.com](mailto:bpeacock@wfgtitle.com)

No.  
 Yes. Satisfaction of judgment filed \_\_\_\_\_.  
Redeeming party was \_\_\_\_\_ who redeemed on \_\_\_\_\_.

14. If there were non-appearing defendants, is there a certification by plaintiff's counsel that notice has been sent to them in accordance with P.B. § 17-22?  
 No  Yes

15. If there were non-appearing defendants who are natural persons, was there a finding that they were not in military service as required by the Servicemembers Civil Relief Act?  
 No  Yes

16. Is there evidence of compliance with the requirements of C.G.S § 8-265ee regarding notification of the availability of Emergency Mortgage Assistance through Connecticut Housing Finance Authority?  
 No  Yes

17. Any indication of a bankruptcy?  
 No.  
 Yes. Claim for exemption filed by: \_\_\_\_\_  
Date of bankruptcy petition: \_\_\_\_\_  
Bankruptcy court district: \_\_\_\_\_  
Case number: \_\_\_\_\_

18. Any motion(s) to open judgment?  
 No.  
 Yes. Filed by \_\_\_\_\_ on \_\_\_\_\_.  
Ruling?  Denied on \_\_\_\_\_ by Judge \_\_\_\_\_.  
 Granted on \_\_\_\_\_ by Judge \_\_\_\_\_.  
 Law day extended to \_\_\_\_\_.  
 Sale date extended to \_\_\_\_\_.

19. Any indication of an appeal?  
 No.  
 Yes. Appeal filed by \_\_\_\_\_ on \_\_\_\_\_  
appealing from which ruling? \_\_\_\_\_

20. Was the foreclosure conducted during the CARES Act moratorium (March 18, 2020-July 31, 2021)?  
No. \_\_\_\_\_  
Yes. \_\_\_\_\_ If yes, confirm the mortgage was not subject to the moratorium.

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