

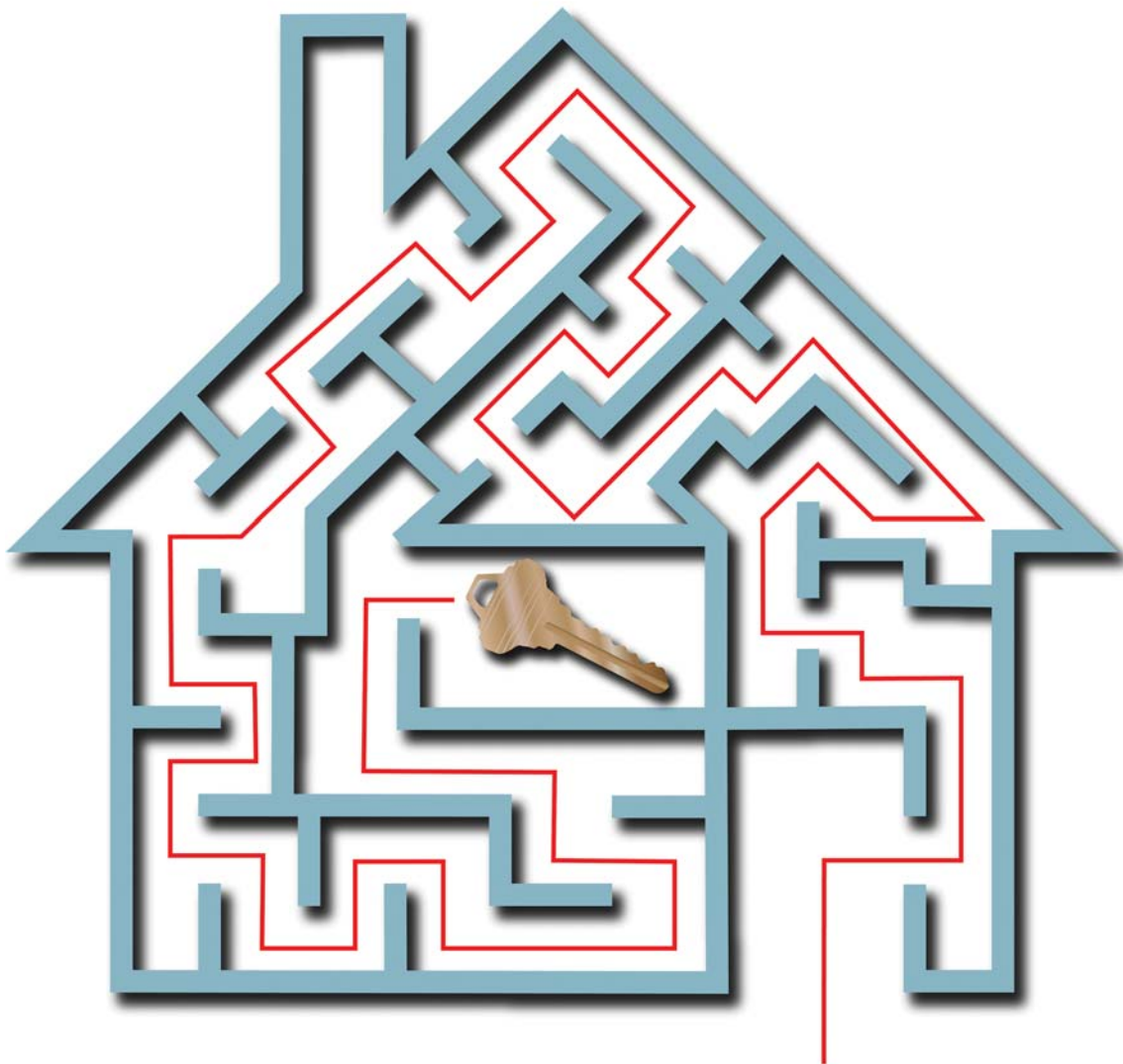


CT FAIR HOUSING CENTER

**Representing Yourself in Foreclosure:**

# **A Guide**

**for Connecticut Homeowners**





# Table of Contents

|  |           |
|--|-----------|
| <b>Introduction</b>  | <b>1</b>  |
| <b>Chapter 1 How to Use This Guide</b>   | <b>3</b>  |
| <b>Chapter 2 Understand the Process and the Legal Terminology</b>  | <b>5</b>  |
| <b>STAGE 1: The Demand Letter</b>  | <b>7</b>  |
| <b>STAGE 2: Complaint and Foreclosure Mediation</b>  | <b>8</b>  |
| <b>STAGE 3: Pleadings and Mediation</b>  | <b>9</b>  |
| <b>STAGE 4: Successful Mediation or Judgment</b>   | <b>12</b> |
| <b>STAGE 5: Post-Judgment</b>  | <b>15</b> |
| <b>Chapter 3 Be Effective in Mediation</b>   | <b>17</b> |
| <b>Chapter 4 Prepare and File the Documents That Explain Your Situation to the Judge If Mediation Does Not Resolve Your Case</b> | <b>19</b> |
| <b>Chapter 5 Going to Court</b>  | <b>23</b> |
| <b>Find Out When You Need to Go to Court</b>   | <b>23</b> |
| <b>Give a Clear Explanation of Your Situation to the Judge</b>   | <b>24</b> |
| <b>Chapter 6 Understand the Final Decisions and Deadlines In Your Case</b>   | <b>27</b> |
| <b>Chapter 7 Evaluate Your Options and Make a Plan</b>   | <b>31</b> |
| <b>Chapter 8 Where to Get More Information and Help</b>  | <b>33</b> |
| <b>Glossary</b>  | <b>35</b> |
| <b>Appendix Sample Forms</b>   | <b>41</b> |

# Introduction

If you are reading this, you are probably a homeowner facing foreclosure and looking for legal help. Unfortunately, there is a shortage of free or affordable legal services for homeowners in your situation. Foreclosure cases can be complicated and it is best to hire a lawyer. This guide is not a substitute for the assistance of an experienced foreclosure lawyer and is not intended to provide legal advice for each individual situation. If you cannot afford your own lawyer, this booklet is designed to explain enough about the foreclosure process to allow you to represent yourself. Even if you are not working with a lawyer, as you go through the foreclosure process, it is advisable to obtain the assistance of a **Housing Counselor**<sup>1</sup>. Also see the section at the end of this Guide entitled “Where to Get More Information and Help,” pg. 33.

Many Connecticut homeowners facing foreclosure are representing themselves in Court, and many of them succeed in keeping their homes. If this is your goal, it is important not to become discouraged when you receive Court papers starting the foreclosure case. ***This is only the beginning of the Court process and it does not necessarily mean that you are going to lose your home.*** While the process can be intimidating to a nonlawyer, it can be managed successfully if you understand how it works.

The information contained in this guide is designed to help owners who live in and own a one- to four-family home who are behind on their mortgage payments or who have already received papers from a court because a foreclosure action has been filed against them. If you are NOT an owner of a one- to four-family home and/or you do not live in the home that is being foreclosed upon, please go to the end of this Guide to the Chapter entitled “Where to Get More Information and Help,” pg. 33.

This booklet gives you basic information to help you:

- Understand the foreclosure process and timeline.
- Ensure that you receive all relevant Court papers and notices.
- Participate in the **Foreclosure Mediation Program**, which may help you reach an agreement with your lender that avoids foreclosure.

<sup>1</sup>All of the words that in **bold** are defined in the Glossary pg. 35.

- Present your side of the story so the judge may consider it before deciding whether to foreclose on your house.
- Understand when you may need to move out of your house if the Court decides to order foreclosure.

You can also get answers to some of your questions from housing counselors, Court clerks, and librarians at the courthouse where your case is filed. The Court staff cannot give you legal advice, but they can answer procedural questions, give you the proper forms, and help you understand the legal process. The staff at the Court Service Centers in some of the courthouses can help you fill out forms and look up information about your case.

**Contact a HUD-Certified Housing Counselor early in the process to help you through it. A list of counselors is found on pg. 33.**

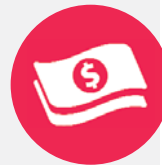
# Chapter 1

## How to Use This Guide

Foreclosure involves many steps, both in and out of Court. A foreclosure case may move quickly—and there are a lot of legal words and proceedings involved that can be confusing to people not familiar with the process. One aim of this Guide is to provide a clear understanding of the foreclosure process—how it flows—and what some of your options are if you are facing foreclosure.

Review the Sections of this Guide that explain how you should plan to deal with your situation, what options and rights you have and where you can go to get more information and assistance.

**This Guide adds color-codes and symbols to the documents, as follows:**



**red = action by the lender, bank, mortgage company, or loan servicer**



**green = action by You (the homeowner)**



**blue = action by or on behalf of the Court—including Court forms**



# Understand the Process and the Legal Terminology

## The Stages of a Foreclosure Case

- 1 STAGE 1: The Demand Letter**  
Pre-Foreclosure, the **bank, mortgage company, lender, or loan servicer** typically sends a letter demanding payment within 30 days or it will start a foreclosure. See pg. 7 for more information.
- 2 STAGE 2: The Complaint, Appearance & Request for Mediation**  
This is the start of the case in Court. These documents will be the first notice that a foreclosure case has been started. See pg. 8 for more information.
- 3 STAGE 3: Pleadings & Mediation**  
These are the two major parts of a foreclosure case—*they occur at the same time*. See pg. 9 for more information.
- 4 STAGE 4: Successful Mediation or Judgment**  
If Mediation does not resolve the case, it will go to Judgment. See pg. 12 for more information.
- 5 STAGE 5: Post-Judgment**  
These are the events that occur after Judgment has been entered. See pg. 15 for more information.

Within Stage 3, two things happen at the same time:

1. **Pleadings and Court Proceedings**, which involve the bank and the homeowner filing various documents with the Court and possibly appearing before a judge; and
2. **Mediation**, which involves trying to resolve your case by talking directly to a bank representative with the help of a Court employee called a **mediator**.

Be sure to monitor what is happening with each of them, at all times.

**TIP: KEEP A DIARY AND KEEP COPIES!** Keep a diary or log of all people you speak to at your bank, lender, mortgage company, or loan servicer, their names and the dates you speak with them. Also keep track of when you submit information to the bank, lender, mortgage company, or loan servicer, keep copies of all papers given to them, and note what phone and fax numbers you are instructed to use.

## The Process

Foreclosure in Connecticut is a judicial process—that is, in order to foreclose, the bank has to go through the Court. Because it is a legal proceeding, the bank, as the **Plaintiff** (the **lender, bank, mortgage company, or loan servicer** bringing the lawsuit), will give the Court (or “**file**”) several legal **pleadings** in the case, in its effort to foreclose. A pleading is a written request filed with the Court that includes information that it is important for the judge to have. The pleadings, and how they affect you—and what you can do in response to each of them—are defined in detail in this Guide. The homeowner or person being foreclosed upon is the **Defendant**.

In addition to the Pleadings & Mediation part of a case, Connecticut homeowners can also attempt to negotiate the outcome of their case by participating in Court-run Mediation. (There is more information on the Mediation Program on pg. 17).

The **Mediation Program** provides for a 60 day “holding period” from the start of the case for a homeowner to negotiate with the bank. That period may be extended beyond 60 days by agreement between the parties or order of the Court. Ideally, you will reach an agreement with the bank through Mediation.

Even if you do not succeed in Mediation, you still have a chance to give a judge reasons that the foreclosure should not proceed. Under Connecticut law, foreclosure is an “equitable” action, which means the judge must consider any reasons it would be unfair for the foreclosure to proceed. Understand the Pleadings and what you can file to fully explain your situation.

**NOTE: A high percentage of homeowners who participate in foreclosure mediation are able to keep their homes. Participate in mediation, even if you just want more time to move out.**

An Important Note: The Pleadings part of a case is allowed to continue even though the parties are in Mediation. That means the bank, lender, mortgage company, or loan servicer will continue to file Pleadings even though you are in mediation. But, the bank, lender, mortgage company, or loan servicer can not have a **judgment** (the final decision in the case ordered by a judge) entered until the Mediation ends—either successfully or unsuccessfully. That is why it is so important to monitor what is happening in the case at all Stages. Success with the bank or the lender in Mediation does not mean the case itself stops—you must monitor

what is happening with the Pleadings and where the case stands, to be sure you do not miss any important dates.

## The Timeline of a Foreclosure Case

A common question from homeowners is how much time they have before they lose their house in a foreclosure case. The timeline depends on whether you participate in the court case. If you ignore the court papers you receive, a state marshal could arrive to evict you within a few months of the first court papers beginning the foreclosure case. On the other hand, if you participate in the foreclosure case by filing the necessary papers, attending foreclosure mediation sessions, and keeping the court informed of your efforts to save your home, you could have significant time to address the situation and even end up avoiding foreclosure altogether. Even if you



are unable to keep the home, your participation in the case can give you an opportunity to ask the court for the time you need to find another place to live and move your family and belongings in an orderly manner. Foreclosure cases follow a series of predictable steps that give you opportunities to explain your situation and ask for the time you need.

Review this Guide so you know what the papers that you receive mean and what you can expect to happen next in the process.

## The Flow of a Foreclosure Case

### 1 STAGE 1: The Demand Letter

A **Demand Letter** is a letter sent by the bank to a homeowner who has failed to make all of their mortgage payments. It is also known as an acceleration letter. The Demand Letter typically states that the loan has been deemed to be in default and that the homeowner has thirty (30) days to bring the loan current or pay it off. If a homeowner does not bring the loan current or pay it off within that time, the loan gets **accelerated**—that is, the entire amount is declared due and the bank begins a foreclosure.

The receipt of a Demand Letter is the first Stage of a foreclosure case. If you receive a Demand Letter, you need to begin to put together your plan for dealing with the foreclosure (see Chapter 7 of this Guide, “Evaluate Your Options and Make a Plan,” pg. 31).

In addition to putting together your plan, you should:

- Contact the lender, bank, mortgage company, or loan servicer that sent you the Demand Letter to see what options you may have to prevent your loan from going into foreclosure.
- Contact a HUD-Certified Housing Counselor to help you prepare for the foreclosure, (see Chapter 8 of this Guide, “Where to Get More Information and Help”, pg. 33).
- Review Public Resources for assistance options (see Chapter 8 of this Guide, “Where to Get More Information and Help,” pg. 33).



# 2

## STAGE 2: Complaint/Summons and Foreclosure Mediation



### Summons and Complaint

The **Summons** tells you that a lawsuit has been started against you. You will be referred to as the **Defendant**. The Summons is created by the **plaintiff** (the **lender, bank, mortgage company, or loan servicer**) who is suing you and will include information about whether there are any other **Defendants** (usually second mortgages or anyone else who has a title interest in your property). The Summons shows a **Return Date**, which is merely a date when the Pleadings/Proceedings part of Stage 3 can begin.

You do not have to go to court on the Return Date. You will not lose your house on the Return Date.

The **Complaint** explains the reasons the bank, lender, mortgage company, or loan servicer is suing you and what the bank, lender, mortgage company, or loan servicer is asking the Court to do. In a foreclosure case, the reason the bank, lender, mortgage company, or loan servicer is suing is because it claims that you owe money on a loan and you have not paid as required by the terms of the loan. The bank, lender, mortgage company, or loan servicer is asking to take your house to pay off the loan because in your mortgage you put up the house as **collateral** in case you did not pay back the loan. The bank, lender, mortgage company, or loan servicer is asking for the house so that it can be sold to pay back the loan.

The Summons and Complaint are the first notice to you that a foreclosure case has officially been started in court.



### Foreclosure Mediation Certificate

The **Foreclosure Mediation Certificate** (Form JD-CV-108) is delivered to you with the Summons and Complaint and also sent to you by the Court shortly after you receive the Summons and Complaint. Follow the instructions on the form to fill it out accurately and completely and **file** it with the Court. If you can truthfully answer “yes” to

| ANSWER TO COMPLAINT<br>CIVIL CASES ONLY<br>JD-CV-108, New 4-09<br>(Formerly JD-CV-83)  |  | STATE OF CONNECTICUT<br>SUPERIOR COURT<br>www.jud.ct.gov |   | Docket number |
|--|--|--|---|---------------|
| Name of Plaintiff(s)   |  | Name of Defendant(s)                                     |   |               |
| Judicial District  | Housing Section  | Geographical Area Number                                 | Address of Court (Number, street, and town) |               |
| <b>Answer</b>  |  |  |   |               |
| In response to each paragraph of the Complaint, please "X" whether you agree, disagree or do not know.   |  |  |   |               |
| 1. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know   | 5. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |  |   |               |
| 2. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know   | 6. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |  |   |               |
| 3. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know   | 7. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |  |   |               |
| 4. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know   | 8. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |  |   |               |
| <b>Special Defenses</b>  |  |  |   |               |
| I certify that this answer is true to the best of my knowledge and that a copy was mailed or delivered to all counsel and self-represented parties of record on: _____ Date (copy or copies mailed or delivered) |  |  |   |               |
| Signed (Defendant's signature)   |  |  |   | Date signed   |
| Name of each party served and address at which service was made*   |  |  |   |               |
| * If necessary, attach additional sheet with names of each party served and the address at which service was made.   |  |  |   |               |
| Distribution: Original - Court File Copy 1 - Plaintiff or Attorney Copy 2 - Defendant  |  |  |   |               |

| FORECLOSURE MEDIATION<br>CERTIFICATE<br>JD-CV-108, New 7-09<br>P.A. 09-003   |                            | STATE OF CONNECTICUT<br>SUPERIOR COURT<br>JUDICIAL BRANCH<br>www.jud.ct.gov  |  | FILED            |
|--|----------------------------|--|--|------------------|
| <b>Instructions to Homeowner Applicant</b>   |                            |  |  |                  |
| 1. Use this form if return date in your case is on or after July 1, 2009.  |                            | 3. You must mail or deliver a copy of this completed Certificate form to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney. |  |                  |
| 2. Fill out this Certificate form and an Appearance form, JD-CV-12 (available at the courthouse or online at www.jud2.ct.gov/webforms) and file them with the court not more than 15 days after the return date on the Summons.            |                            |  |  |                  |
| <b>Type or Print Legibly</b>   |                            |  |  |                  |
| Name of Case (Plaintiff on Summons vs. Defendant on Summons)   |                            | Docket number (To be filed in by court staff)  |  |                  |
| Return date (On upper right portion of Summons)  |                            | Judicial District (On upper left portion of Summons)   |  |                  |
| <b>Homeowner(s) Information</b>  |                            |  |  |                  |
| Your name(s)   |                            |  |  |                  |
| Address (Number, street, town, state, zip code)  |                            |  |  |                  |
| Telephone number ( ) ( ) ( )   | Business phone ( ) ( ) ( ) | Cell phone ( ) ( ) ( )   |  |                  |
| Is this property your primary residence?   |                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |                  |
| Do you occupy the property?  |                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |                  |
| Is it a 1, 2, 3 or 4 family residential property located in Connecticut?   |                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |                  |
| Are you the borrower?  |                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |                  |
| Is this a mortgage foreclosure?  |                            | <input type="checkbox"/> Yes <input type="checkbox"/> No   |  |                  |
| Signed   |                            | Print name of person signing   |  | Date signed      |
| Name and address of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) this Certificate was mailed or delivered to:  |                            |  |  |                  |
| Name (Of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) copy was mailed or delivered to)   |                            | Address (At which copy was mailed or delivered)  |  |                  |
|  |                            |  |  |                  |
| * If necessary, attach an additional sheet or sheets with the name of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) and the address at which the copy was mailed or delivered to. |                            |  |  |                  |
| I certify that a copy of this Certificate was mailed or delivered to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney, on (Date mailed or delivered): _____                                |                            |  |  |                  |
| Signed (Attorney or self-represented party completing form)  |                            | Print name of person signing   |  | Telephone number |
| Address (Number, street, town, state, zip code)  |                            |  |  |                  |

**NOTE: You can find many of the forms listed here at the clerk's office or on the Judicial Branch website, [www.jud.ct.gov](http://www.jud.ct.gov). If there is a standard form, the form number is written in parentheses in this guide. In addition, many of the forms referred to here are contained in the Appendix to this Guide.**

the questions asked, your case is eligible for mediation. The form must be filed with the Court within 15 days of the Return Date. The Foreclosure Mediation Program is mandatory if you are the borrower and owner-occupant of a 1 to 4 family dwelling. If for any reason you do not file the Foreclosure Mediation Certificate within 15 days of the Return Date, you may file the Motion to Request Mediation More than 15 Days After the Return Date (Form JD-CV-96). On this form, you must list the reasons you did not file the Foreclosure Mediation Certificate on time and send a copy to the Court and to the lawyer for the lender, bank, mortgage company, or servicer. If this Motion is granted, you will still be able to get into mediation.



### Appearance

The **Appearance** (Form JD-CL-12) is a form you fill out to give your name and your address. You do not need to have a lawyer to file an Appearance. The deadline for the Appearance is 2 days after the Return Date—that means, file your Appearance within two days of the Return Date<sup>2</sup>. **However, after January 1, 2010 you do not have to file an Appearance if you file the Mediation Certificate.**

## 3 STAGE 3: Pleadings and Mediation

In Stage 3, two things happen at the same time:

1. The **Pleadings/Court Proceedings**, which involves the bank, lender, mortgage company, or loan servicer and the homeowner filing various documents with the Court and possibly appearing before a judge, and
2. **Mediation**, which involves trying to settle your case by talking directly with the bank, lender, mortgage company, or loan servicer with the help of a court employee called a **mediator**.

**Pleadings** are legal documents filed in connection with a case. Usually titled "**Motions**", they are requests to the Court to enter an order on a particular matter. Copies of pleadings filed with the Court must be mailed by the person filing them to everyone who has filed an Appearance in the case.

The **Connecticut Practice Book** contains the Rules of the Superior Court that govern pleadings and court proceedings. You may review the Practice Book at [www.jud.ct.gov](http://www.jud.ct.gov) or any courthouse.

| FORECLOSURE MEDIATION CERTIFICATE  |                              | STATE OF CONNECTICUT SUPERIOR COURT JUDICIAL BRANCH  |                             |
|--|------------------------------|--|-----------------------------|
| JD-CV-128 Rev. 7-09 P.A. 09-209  |                              |  |                             |
| <b>Instructions to Homeowner Applicant</b>   |                              |  |                             |
| 1. Use this form if return date in your case is on or after July 1, 2009.  |                              | 3. You must mail or deliver a copy of this completed Certificate form to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney. |                             |
| 2. Fill out this Certificate form and an Appearance form, JD-CL-12 (available at the courthouse or online at <a href="http://www.jud.ct.gov/webforms">www.jud.ct.gov/webforms</a> ) and file them with the court not more than 15 days after the return date on the Summons. |                              |  |                             |
| <b>Type or Print Legibly</b>   |                              |  |                             |
| Name of case (Plaintiff or Summons vs. Defendant on Summons)   |                              | Docket number (To be filled in by court staff)   |                             |
| Return date (On upper right portion of Summons)  |                              | Judicial District (On upper left portion of Summons)   |                             |
| <b>Homeowner(s) Information</b>  |                              |  |                             |
| Your name(s)   |                              |  |                             |
| Address (Number, street, town, state, zip code)  |                              |  |                             |
| Telephone number ( ) ( ) ( )   |                              |  |                             |
| Business phone ( ) ( ) ( )   |                              | Cell phone ( ) ( ) ( )   |                             |
| Is this property your primary residence?   |                              | <input type="checkbox"/> Yes   | <input type="checkbox"/> No |
| Do you occupy the property?  |                              | <input type="checkbox"/> Yes   | <input type="checkbox"/> No |
| Is it a 1, 2, 3 or 4 family residential property located in Connecticut?   |                              | <input type="checkbox"/> Yes   | <input type="checkbox"/> No |
| Are you the borrower?  |                              | <input type="checkbox"/> Yes   | <input type="checkbox"/> No |
| Is this a mortgage foreclosure?  |                              | <input type="checkbox"/> Yes   | <input type="checkbox"/> No |
| Signed   | Print name of person signing | Date signed  |                             |
| Name and address of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) this Certificate was mailed or delivered to:  |                              |  |                             |
| Name (of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) copy was mailed or delivered to)   |                              | Address (at which copy was mailed or delivered)  |                             |
|  |                              |  |                             |
|  |                              |  |                             |
| If necessary, attach an additional sheet or sheets with the name of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) and the address at which the copy was mailed or delivered to.                                     |                              |  |                             |
| I certify that a copy of this Certificate was mailed or delivered to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney, on (Date mailed or delivered): _____  |                              |  |                             |
| Signed (Attorney or self-represented party completing form)  | Print name of person signing | Telephone number   |                             |
| Address (Number, street, town, state, zip code)  |                              |  |                             |

<sup>2</sup> All Forms and Pleadings may be filed with the court by mailing them to the Court Clerk's office, faxing them to the Court's designated fax number or delivering them in person to the Court Clerk. You must also mail a copy of anything you file with the Court to the lawyers for each represented party. Keep a copy of everything you give to the Court or the mortgage company, lender, bank, or loan servicer.

## PLEADINGS/MEDIATION



### **Motion for Default for Failure to Appear**

If you have not filed a **Foreclosure Mediation Certificate**, the first **Motion** you will typically see in a case is a **Motion for Default for Failure to Appear**. The bank, mortgage company, lender, or loan servicer will file this Motion against all parties who have not filed a Foreclosure Mediation Certificate or Appearance form on time. This Motion is the request for the case to go forward without giving further notice to anyone who has not filed a Foreclosure Mediation Certificate or an Appearance. You may still file a **Foreclosure Mediation Certificate** or a **Motion For Permission To Request Mediation Later Than 15 Days After Return Date Or To Change Mediation Period**, (Form JD-CV-96) or an **Appearance** (JD-CL-12) after you get this Motion.



### **Answer and Special Defenses**

The **Answer and Special Defenses** (JD-CV-106) is your formal written response to the Complaint (see also “Chapter 4: Prepare and File Documents to Explain Your Situation to the Judge,” pg. 19). The first section—the Answer—gives a paragraph-by-paragraph response to the Complaint by stating “Agree” (meaning you know the facts stated in that paragraph are true), “Disagree” (meaning you know the facts stated in that paragraph are not true) or “Do not know” (meaning you do not know if the facts stated in that paragraph are true or false) for each numbered paragraph of the Complaint. There is a Court form for the Answer and Special Defenses (JD-CV-106), but it has spaces to respond to only 8 paragraphs of the Complaint. Be sure to fill in additional numbers and responses on a separate sheet if your Complaint has more than 8 paragraphs. The second section—the Special Defenses—states any information you want the Court to consider before deciding whether to foreclose. Because foreclosure is an “equitable action,” the Court can consider any reason you believe it would be “inequitable” or unfair for the Court to order foreclosure. List your reasons in this space.

An Answer must be filed within fifteen (15) days of the Return Date—unless you file a Motion for Extension of Time to Plead (see Forms in the Appendix of this Guide).

See Chapter 4 for more information about filing an Answer and Special Defenses.



### **Motion for Default for Failure to Plead**

The bank, lender, mortgage company, or loan servicer will file a **Motion for Default for Failure to Plead** against any party who has not filed an Answer by the deadline. If you have not filed them earlier, you can file your **Answer and Special Defenses** after you receive this Motion, but you should do so as soon as you receive this Motion or you could lose your house.



### **Motion for Summary Judgment**

A **Motion for Summary Judgment** is the bank, lender, mortgage company, or loan servicer’s request for the Court to decide that you owe money on the mortgage and that you no longer have the right to own your house. The bank, lender, mortgage

company or loan servicer will typically file this pleading if a homeowner files an Answer and Special Defenses. The Motion for Summary Judgment usually explains why the bank, lender, mortgage company, or loan servicer believes that the homeowner should lose the house in spite of the reasons a homeowner has stated in their Answer and Special Defenses.

See Chapter 4 for more information about the Motion for Summary Judgment.



### Objection to Motion for Summary Judgment

An **Objection to Motion for Summary Judgment** is a homeowner's response to the Motion for Summary Judgment (see also "Preparing Your Objection to Motion for Summary Judgment," pg. 21). It must include an Affidavit, a sworn statement by the homeowner, giving a more detailed explanation of the reasons stated in their Answer and Special Defenses. It may also include any further explanations that would help the Court understand the homeowner's position in light of what the bank, lender, mortgage company, or loan servicer has said in the Motion for Summary Judgment.



### Decision by the Court

The Court issues a **decision** after reviewing the papers submitted by both parties. This Decision may order that the foreclosure can go forward. In this case, the next step will be for the bank, lender, mortgage company, or loan servicer to file a Motion for Judgment. On the other hand, the Decision may order that there has to be a trial because the relevant facts are in dispute and the Court cannot decide what is true without hearing testimony from witnesses. If the Court orders a trial, the homeowner should try to consult with an attorney because it can be difficult to navigate all the rules governing a trial without an attorney.

Some, but not all, Pleadings will require a court hearing. Review the Section in this Guide entitled "Find Out When You Need to Go To Court", pg. 23, for more information on hearings and calendar markings.

Call the Court Clerk or Court Service Center if you are unsure about how much time you have to respond to each Pleading that involves you.

### Discovery

Throughout the pleadings period there is a procedure called **discovery** that you and the bank, lender, mortgage company or loan servicer can use to request necessary documents from each other. This can be a complicated procedure which you may not want to pursue, but it is a way to get information from the other side that could be critical to your case. For more information on discovery, see Form 7 and the explanation on pg. 41–42.

## MEDIATION



### Foreclosure Mediation

The **Foreclosure Mediation Program** is a process where a Court-employed mediator helps the parties try to negotiate a settlement of the foreclosure, often through a

loan modification that allows the homeowner to keep their home (see also Chapter 3: *Be Effective in Mediation*, pg. 17). A homeowner who does not wish to keep their home can also negotiate other outcomes, such as time to move out, extensions of time for the case to continue and/or financial help with moving expenses. The

Mediation process is a series of meetings at the courthouse between the **Mediator**, the homeowner, and the lender’s attorney (who must be in contact with a representative of the lender who has the authority to settle the case).

The initial Mediation period is sixty (60) days, but that time frame may be extended by agreement of the parties or by an order from the Court. If the bank does not agree to an extension of time to Mediate, you should file both a **Motion to Change the Mediation Period** (JD-CV-96) and a **Motion for Continuance** (JD-CV-21). The reasons for the request may include that the bank has not made a decision yet on a request to modify your loan or that you need more time for something to occur and the Mediation period should not end.

If you miss the deadline to file the Foreclosure Mediation Certificate (JD-CV-108), you may still request Mediation by filing a Motion for Permission to File a Request for Mediation Later than 15 Days After the Return Date (JD-CV-96).

If your case ends up being removed from Mediation and at any point in the court process you believe there is good reason for your case to return to Mediation, you can file a **Motion for Inclusion** (see Appendix, pg. 41).

Participate in Mediation if you want to stay in your home or need time to find another place to live. There are many loan modification programs and options available to homeowners and the Court Mediators can direct you to other sources of assistance. Prepare for Mediation by reviewing the Sections of this Guide involving making a Plan, and explore all possible options while you are in Mediation.

REMEMBER, the Pleadings will continue to be filed by the bank, lender, mortgage company, or loan servicer, and they will continue to try to move the case to judgment while the Mediation Sessions are taking place. You must monitor the Pleadings part of the case even though you are participating in Mediation.

## **4 STAGE 4: Judgment (or Successful Mediation)**

If you successfully negotiate with the bank in Mediation, the case will be **withdrawn**. That is, it will be dismissed and the foreclosure case is over.

If you do not successfully negotiate an end to the foreclosure case, it will go to **Judgment**. If the court has granted the Motion for Default for Failure to Appear or the Motion for Default for Failure to Plead, the bank, lender, mortgage company, or loan servicer will file a Motion for Judgment. When the Motion for Judgment is granted, the Court will set either a “law day” or sale day—which are the dates the ownership of your house may be transferred to someone else. See pg. 14 for information on the timing of this.

In connection with the Motion for Judgment, the bank, lender, mortgage com-

**NOTE: Many cases settle in mediation. If your case settles in mediation, you won't need to go through any of the rest of the process. See the chapter entitled “Be Effective In Mediation.”**

pany, or loan servicer will submit an appraisal and an affidavit of the total debt owed as of the date of Judgment. You should review these documents for any obvious errors and tell the Court if you find any.



### **Motion for Judgment of Strict Foreclosure**

The bank, lender, mortgage company, or loan servicer's Motion for Judgment will typically be a **Motion for Judgment of Strict Foreclosure**—which is their request for the Court to make a final decision to foreclose. A Strict Foreclosure is a foreclosure without an **auction** sale. The Motion for Judgment of Strict Foreclosure will include a statement of the total debt the bank, lender, mortgage company, or loan servicer claims is owed by the homeowner. It will also include an appraisal giving what the bank, lender, mortgage company, or loan servicer contends is the current market value of the home. The Motion will ask the Court to enter a Judgment—or final decision—ordering that the homeowner loses title to the property on a date set by the Court, called the **"Law Day"**. (See "Chapter 2: Post-Judgment," pg. 15). If you want to request a later law day or sale day, you should attend court on the date your case is scheduled to go to judgment and make this request directly to the judge.



### **Motion for Foreclosure by Sale**

A homeowner may file a **Motion for Foreclosure by Sale** (JD-CV-46) in response to the Motion for Judgment of Strict Foreclosure. The Motion for Foreclosure by Sale is a request for an auction at which the home will be sold to the highest bidder. The purpose is to give a homeowner with **equity** in the property (that is, the amount your house is worth<sup>3</sup> minus any mortgages or **liens** on the property) a chance to recover some of the value of the equity. If the auction results in a bid that is greater than the amount of the total debt secured by the property (the mortgage debt), plus the expenses of the sale, then any remaining amount will be paid to the homeowner. The total debt will include the expenses of the foreclosure action, including the bank's attorneys' fees, marshal's fees, appraisal fees, and auction expenses, in addition to the amount owed on the mortgage and any other debts secured by the property. Often, after all of the fees and expenses are added to the amount the homeowner owes on the mortgage, there is no equity left in the property. This means that any money paid to buy the property will be given to the bank or mortgage company and the homeowner gets nothing. As a result, a Foreclosure by Sale often does not help a homeowner recover any equity or money.

If the Court finds that there is sufficient equity above what the bank, lender, mortgage company, or loan servicer is owed, it will enter a Foreclosure by Sale, not a Law Day—but there is no guarantee that the Court will do this without being asked, so if you think a sale would be better than a "Strict Foreclosure" you should file a Motion for Foreclosure by Sale along with any information you have about the value of your home.

<sup>3</sup>To find out what your house is worth, call a real estate agent, a real estate appraiser, or, to get a general estimate, go on line to a website like [www.zillow.com](http://www.zillow.com). Your house may be worth more or less than the amount the bank, lender, mortgage company, or loan servicer says it is worth.



### Judgment of Strict Foreclosure

A **Judgment of Strict Foreclosure** is the final decision by the Court ordering that the homeowner will lose ownership of the property the day after the **Law Day**. The law day can be set as soon as 30 days after the judge enters the Judgment of Strict Foreclosure into the court record. You should call the Court Clerk for information about when your Law Day is if you are unsure. The “Law Day” is the deadline set for a homeowner to pay all of the money owed on the mortgage plus any fees, costs, and interest. For example, a December 1st Law Day means that if the homeowner does not pay all of the money owed on the mortgage plus any fees, costs, and interest, or modify their loan by that date, then the homeowner loses all of their right to the property and the bank owns the property as of the next day, December 2nd, without a sale occurring. Until the Law Day has passed, the homeowner remains the owner of the property and has the right to **redeem** the property by paying the entire amount of the debt specified by the Judgment of Strict Foreclosure. The homeowner can ask for the Law Day to be extended, as long as this request is made and addressed by the Court on or before the Law Day—see “Motion to Open Judgment,” (JD-CV-107), Appendix, pg. 41.

NOTE: Once the Law Day has passed, you cannot open the judgment or get your property back, unless the bank, lender, mortgage company, or loan servicer agrees to it.

Do not let that date pass if you are still trying to work something out with the bank, lender, mortgage company, or loan servicer.



### Judgment of Foreclosure by Sale

A **Judgment of Foreclosure by Sale** is a final decision of the Court ordering an auction of the property to the highest bidder. A Judgment of Foreclosure by Sale does the following:

- (1) sets a Sale Date, on which the auction will be held;
- (2) appoints a “**Committee**”—an attorney assigned by the Court to conduct the sale of any foreclosure property and **convey** the property to the highest bidder; and
- (3) sets a date on which the Committee may begin to incur the expenses for the auction, including advertising in the newspaper and having a sign made to post on the property. These expenses will be added to the amount of the debt owed by the homeowner.

At the judgment hearing, you can ask for the sale date to be extended in order to continue to attempt to work something out with the bank, lender, mortgage company or loan servicer, sell the house privately, stay through the end of a school year, etc. After judgment has already been entered, you may request the Sale Date to be extended for any of the same reasons—see **Motion to Open Judgment** (JD-CV-107), Appendix, pg. 41.

A **Sale Date** will usually be 60–90 days after Judgment has been entered by the Court and the sale will usually be held on a Saturday at noon. You do not have to let



people into the house if you do not want to and they do not have the right to walk on your property.

The Sale must be approved by the Court after it is held, so the Sale Date is not the end of your case and you do not lose the house on that date—you may still negotiate a resolution with the bank and/or sell the house after the Sale Date (and before it is approved).

## **5 STAGE 5: Post-Judgment**

If your case has gone to judgment, you must WATCH THE CALENDAR, to avoid losing your home if you are still trying to save it.

If you are still trying to save your home even though the case has gone to judgment, one of your first steps should be to determine what additional help is available. Contact a **HUD-Certified Housing Counselor**, the Court Clerk or Public Resources (see “Where to Get More Information and Help”, pg. 33).

The rest of this Section discusses ways through the court which may allow you to save your house. For each of these options, it is important to know the date of your **Law Day** or **Sale Day**.



### **Motion to Open Judgment**

A **Motion to Open Judgment** (Form JD-CV-107) can be filed after a Judgment of Strict Foreclosure or Judgment of Foreclosure by Sale, to ask the Court to move the Law Day or Sale Date. The Motion to Open Judgment must include an explanation of the reason for the requested extension of time, such as continuing negotiations with the bank, lender, mortgage company, or loan servicer, a change in financial circumstances that improve the prospects of keeping the home, a need for additional time to complete a **Short Sale**, a need for additional time to move out, or any new information you may have discovered since the last time you were in court. There is a filing fee of \$125.00 to file a Motion to Open Judgment. Homeowners who cannot afford this can ask the Court to waive the fee by filing fee waiver forms obtained at the clerk’s office.

If you have received a **Judgment of Strict Foreclosure** and wish to extend the date, the Court must make a decision on your Motion to Open Judgment on or before the Law Day. This means, the Motion should be filed at least a week or more before the Law Day to ensure that the Motion is scheduled to be heard by the Court on or before the Law Day.

If you have received a **Judgment of Foreclosure by Sale** and wish to extend the date, a Motion to Open Judgment must be decided by the Court before the Sale Date. This means the Motion should be filed at least a week or more before the Sale Date to ensure that the Motion is scheduled to be heard by the Court on or before the Sale Date. Homeowners can avoid being charged for unnecessary expenses of a cancelled Sale Date by filing the Motion to Open Judgment early enough to be heard and decided by the Court before the date on which the Committee may begin to incur expenses.

Along with a Motion to Open Judgment you may want to file a **Motion for Inclusion** (see Appendix, pg. 41) to have the case returned to Mediation.



#### **Motion for Approval of Sale**

A **Motion for Approval of Sale** is a request by the Committee for the Court to approve the auction of your house that occurred on the Sale Date. The Court will at this time decide how to distribute the proceeds of the sale. If the sale proceeds are enough to satisfy all of the outstanding debts secured by your house, plus the costs of the foreclosure and sale, you will be entitled to receive any excess proceeds. If you believe that you have good reasons that the Court should not approve the sale, you should file a written Objection and appear in Court on the date of the hearing on the Motion to Approve Sale to explain to the judge why you do not believe that the sale should be approved.



#### **Execution of Ejectment**

If you do not resolve your case before your Law Day or Approval of the Sale, the bank, lender, mortgage company, or loan servicer will seek to evict you—or “eject” you. An **Execution of Ejectment** is a Court order instructing a state marshal to forcibly remove you and your belongings from the home because you are no longer the owner and therefore not entitled to remain. The Execution of Ejectment will state a date and time for you to leave the house, which may be as soon as 24 hours after the marshal delivers the Execution of Ejectment. If the Court has entered a Judgment of Strict Foreclosure, you can receive an Execution of Ejectment as soon as your Law Day passes. If the Court has entered a Judgment by Sale, you can receive an Execution of Ejectment as soon as 21 days after the Court enters an order approving the Sale.

You may request more time to move by filing a **Stay of Execution Application Summary Process** (JD-HM-21). See Appendix, pg. 41.

# Be Effective in Mediation

The Foreclosure Mediation Program provides an opportunity for homeowners in foreclosure to attempt to reach an agreement with their lenders under the supervision of a neutral mediator employed by the Judicial Branch. The Court rules require that a representative of the bank, lender, mortgage company, or loan servicer with the authority to settle the case be available at all mediation sessions by phone or electronically. This may be the first time many homeowners receive a real response to their proposals for loan modifications or payment plans that can avoid foreclosure.

Mediation is a process of negotiation. This is the homeowner's opportunity to make sure that all factors involved in their mortgage are considered, including the circumstances under which the loan was made, any unfair terms, misapplied payments, failure of the lender to respond to inquiries or any potential defenses to the foreclosure. The resolution of the matter may take all of these factors and others into consideration.

Being proactive is a good approach to Mediation. This means attending the first mediation session with a plan to propose to the lender, rather than just responding to what the lender proposes to you, which may be unworkable. The plan is most likely to be accepted if it is realistic in terms of what you can afford and gives the lender reason to believe that you will be successful in carrying out the plan. You may find it helpful to meet with a HUD-approved housing counselor prior to mediation to work on your plan. Homeowners should make every effort to know the history of their mortgage and payments in advance of mediation.

It is also helpful to bring the following documents to the mediation session:

- Copies of financial documents like tax returns or recent paystubs showing your income and assets;
- Correspondence with your lender;
- Fax transmittal sheets proving that you have submitted documents to your lender;
- A diary of contacts you have had with your lender; and
- Confirmation of any other information you have provided to your lender in an effort to obtain a loan modification or other alternative to foreclosure.

If for some reason you cannot attend your scheduled mediation session, contact the Court for your **Judicial District** to find out how to reschedule the mediation session. To locate your Judicial District, go to [www.jud.ct.gov](http://www.jud.ct.gov).

**KEEP A DIARY.** Keep a diary of all people you speak to at your bank, lender, mortgage company, or loan servicer—their names and the dates you speak with them. Also keep track of when you submit information to the bank, lender, mortgage company, or loan servicer, keep copies of all papers given to them, and note what phone and fax numbers you are instructed to use at the bank. It is common for the bank to request the same information several times. If you are able, just keep submitting it every time they ask. If you keep a diary, you may need it to show the Mediator or the Court the dates you submitted information to the bank.

If possible, try to determine if the bank has reviewed your information prior to your next scheduled mediation date. If it has not, you may want to file a Motion for Continuance until the bank reviews your information.

# Prepare and File the Documents That Explain Your Situation to the Judge If Mediation Does Not Resolve Your Case



### Answer and Special Defenses

The Answer and Special Defenses is your formal written response to the Complaint. The Complaint gives the lender's version of the facts about the terms of your mortgage and your alleged failure to pay as required by the mortgage. The statements in the Complaint are not necessarily accurate. The Answer and Special Defenses give you a chance to tell the judge your side of the story and give the reasons you believe the judge should not order foreclosure. The judge will read your Answer and Special Defenses carefully to decide whether foreclosure should proceed. You should be sure that everything you say is accurate because at a later stage of the case, the judge may ask you to prove the statements in the Answer and Special Defenses with testimony under oath and other evidence, such as supporting documents.

You do not have to file an Answer—and should not unless you think you have good **defenses** to the bank, lender, mortgage company, or loan servicer's **claims** or some other good reason(s) why you think the case should not be in foreclosure or go to judgment. See "Step Two" below for more information on possible defenses.

#### Step One: Answer

For each numbered paragraph in the Complaint, write:

- Agree (this means you agree that every part of the statement is true) or
- Disagree (this means you disagree with some part of the statement) or
- Do not know (this means you don't have enough information to know if the statement is true or false and you leave it to the bank, lender, mortgage company, or loan servicer to prove it)

When preparing your answer, review each paragraph of the complaint carefully and if you believe the lender's claims are untrue or inaccurate, then you should check the disagree box. This may mean that you also have a defense to the foreclosure that you should write out in the "Special Defense" space on the Answer.

#### Step Two: Special Defenses

- Write out any reasons that you believe it would be unfair for the Court to order foreclosure such as claims that the lender committed predatory lending, did something improper when the loan was made or defrauded you by promising one thing and giving you something else, you were on a repayment plan when you went into foreclosure, the appraisal was too high, the company bringing the foreclosure

does not own your mortgage, the lender did not give you credit for all of the payments you made, or any other facts the Court should have about your situation.

- Include a brief but clear explanation of the facts that support each of your reasons.

**Step Three: File Your Answer and Special Defenses with the Court**

- At the end of the Answer, complete the certification confirming that you will mail or deliver a copy of your Answer to the bank, lender, mortgage company, or loan servicer’s attorney and any other attorney or party that has filed an Appearance.
- File your Answer and Special Defenses with the Court by delivering it personally or by mail or fax. Be sure you keep a copy of your Answer and Special Defenses for yourself.

|   |  |   |
|---|--|---|
| <p><b>ANSWER TO COMPLAINT<br/>CIVIL CASES ONLY</b><br/>JD-CV-106 New 4-09<br/>(Formerly JD-HM-18)</p>   | <p>STATE OF CONNECTICUT<br/><b>SUPERIOR COURT</b><br/>www.jud.ct.gov</p>                                 | <p>Docket number _____<br/>Return date _____</p>  |
| Name of Plaintiff(s) _____  |  | Name of Defendant(s) _____                        |
| <p>Judicial                      Geographical<br/><input type="checkbox"/> District    <input type="checkbox"/> Housing    <input type="checkbox"/> Area<br/>   Session        Number _____ at: _____</p> |  | Address of Court (Number, street, and town) _____ |
| <b>Answer</b>   |  |   |
| In response to <u>each</u> paragraph of the Complaint, please "X" whether you <u>agree, disagree or do not know.</u>  |  |   |
| 1. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know  | 5. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |   |
| 2. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know  | 6. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |   |
| 3. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know  | 7. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |   |
| 4. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know  | 8. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |   |
| <b>Special Defenses</b>   |  |   |
| <p style="text-align: center;">Write out any reasons you want the Court to consider before deciding whether to order foreclosure.</p>   |  |   |
| <b>Defendant's Certification</b>  |  |   |
| I certify that this answer is true to the best of my knowledge and that a copy was mailed or delivered to all counsel and self-represented parties of record on:  |  | Date copy or copies mailed or delivered _____     |
| Signed (Defendant's signature) _____  |  | Date signed _____                                 |
| Name of each party served and address at which service was made* _____  |  |   |
| * If necessary, attach additional sheet with names of each party served and the address at which service was made.  |  |   |
| <b>Distribution:</b> Original - Court File    Copy 1 - Plaintiff or Attorney    Copy 2 - Defendant  |  |   |

For each numbered paragraph in the Complaint, state whether you Agree that it is true, Disagree or Do Not Know. THE ANSWER SHOULD HAVE THE SAME NUMBER OF PARAGRAPHS AS THE COMPLAINT. Use an additional sheet of paper if you need to respond to additional paragraphs.

Write out any reasons you want the Court to consider before deciding whether to order foreclosure.

Every document you file in Court has to show that you mailed a copy to the other parties. ALWAYS KEEP A COPY FOR YOUR RECORDS.



### Preparing Your Objection to Motion for Summary Judgment

The **Objection to Motion for Summary Judgment** is your written response to the Plaintiff's Motion for Summary Judgment. In the Motion for Summary Judgment, the bank generally will argue that the reasons given in your Answer and Special Defenses are not legally sufficient to stop the foreclosure from going forward. You must file a written Objection responding to these arguments. You must also file an Affidavit—a written statement under oath and signed by a notary—giving further details about your circumstances. Your Objection and Affidavit should focus on any factual disputes you have with the information the bank, lender, mortgage company, or loan servicer wrote in the Complaint, such as whether you paid on time, you paid all the money owed on your mortgage, or the company bringing the foreclosure does not own your loan. The Court will not grant a Motion for Summary Judgment or order foreclosure if it finds that there are disputed facts that are relevant to the final decision. There are no Court forms for these documents, but you can create your own by simply typing or writing by hand what you want to say. Then you simply need to put the names of the parties and the **Docket Number** at the top of the document, sign your name at the end and add a statement indicating that you have mailed copies to all parties. (See the Sample Answer and Special Defenses on the previous page for this format). You can get help with the format and find someone who can notarize your signature on the Affidavit at the clerk's office or the Court Service Center in your courthouse. A sample **Objection to Motion for Summary Judgment** form is also available, see Appendix, pg. 41.



### Preparing Your Motion to Open Judgment

A **Motion to Open Judgment** (JD-CV-107) is the document you need to file if you want to ask the Court for more time after the Court has made a final foreclosure decision. The Court has made a final decision if you have received either of the following:

- Judgment of Strict Foreclosure
  - with a Law Day, the day before you will lose title to your house automatically by law.
- Judgment of Foreclosure by Sale
  - with a Sale Date, when your house will be sold by auction to the highest bidder.
  - with an earlier date on which the expenses of the sale may begin to be incurred.

The Motion to Open Judgment is your request to the Court to postpone or reschedule the Law Day or Sale Date. There is a filing fee of \$125.00 for this motion (which you can ask to be waived if you can not afford to pay it.) The Motion to Open Judgment includes a section for you to fill in the reasons you are asking for the extension of time. These reasons might include the following:

- You are continuing to work with your lender on an alternative to foreclosure. Even though the Court has made a final decision, many lenders continue to work with

homeowners on loan modifications or short sales. Unfortunately, the lender may not take the steps necessary to keep the foreclosure case open while these efforts continue. You must keep track of your Law Day or Sale Date so you know whether you will need to ask for the date to be extended.

- Your financial circumstances have changed since the Judgment of Strict Foreclosure or Judgment of Foreclosure by Sale so you now have the ability to pay the mortgage or enter into a loan modification. Many lenders will work with homeowners on alternatives to foreclosure, even if there is a final judgment, if the homeowner has a new source of income. The new income might be due to a new job, new rental income, or a disability benefit decision.
- You do not have the ability to avoid foreclosure but you need more time to find a new place to live and/or move out of your house. The Court might be willing to give you more time for good reasons, such as allowing your child to finish the school year, the need to find suitable housing for an elderly or disabled household member, or other particular reasons. You must be prepared to give a clear explanation of why it is difficult for you to move before the Law Day or Sale Date previously set by the Court.

The Motion to Open Judgment must be heard by the Court before the Law Day or Sale Date, which means that you should file the Motion as soon as you can, and at least a week before the Law Day or Sale Date. If you have a Sale Date, you can avoid the expenses of the sale, including the sign in front of your house, if you file the Motion to Open Judgment soon enough so that it is heard by the Court before the date on which the expenses of the sale begin to be incurred.

When you file the Motion to Open Judgment, the Court clerk will give you a date when the judge will hear the Motion. You should be prepared to come to Court that day and give a clear explanation of the reasons you need more time.

You may (and should) call the Bank, lender, mortgage company, or loan servicer's attorney to see if they object to your Motion to Open Judgment. They may not, in which case the Motion may be granted by the Court without a hearing.



# Going to Court

### **Find Out When You Need to Go to Court**

If you have appeared in your case (by filing the Foreclosure Mediation Certificate or an Appearance form), you will receive notice from the Court when you have an upcoming date to appear at the courthouse. Mediation sessions are held at the courthouse, but not in court and not before a judge. Motions and Pleadings are heard in court, before a judge. It is important for you to recognize and understand these documents so that you don't miss any important court dates. If a Motion for Judgment of Strict Foreclosure is scheduled in your case, it is particularly important for you to go to court on the date it will be heard. This will appear on the Short Calendar, which is discussed below.

### **Mediation Session Appointments**

Once you file your Foreclosure Mediation Certificate, you will receive a judicial notice in the mail giving you your appointment for the first mediation session. Appointments for subsequent mediation sessions will also arrive in the mail. If you cannot attend a scheduled mediation session, contact the Mediators or caseflow coordinator in your Judicial District as soon as possible. The caseflow coordinator can help you file the necessary forms to change the date.

### **Pleading Dates**

Pleadings that require a hearing, including motions for summary judgment, motions for judgment and motions to open judgment, will be scheduled to be heard in court at "Short Calendar" (see the next section for more information on Short Calendar). You will receive notice of the hearing in connection with these pleadings in the form of a calendar, mailed to you shortly before the hearing date. (Motions to Open that are filed shortly before a law day or sale date may be scheduled for hearing immediately, in which case no calendar would be mailed to you). Review the section on Short Calendar below and call the Court if you have any questions about upcoming hearing dates.

### **Short Calendars**

A Short Calendar is a schedule that lists cases with motions to be heard by a judge on a particular date. The date appears at the top of the Short Calendar, usually a Monday one or two weeks after you receive the Short Calendar. It is a multipage computer printout with three columns of case names. There is a number on the outside of the envelope containing the Short Calendar that corresponds to the position number for your case. Your case will state the title of the motion to be heard. Call the



It may be helpful to write out beforehand a few points that you want to remember. The topics you most likely will want to talk about are:

- What you are doing to save your home (your plan).
- How much time you need to carry out your plan.
- Reasons the bank should not be allowed to foreclose at this point in time (for example to allow your children to complete the school year or because you are actively negotiating with your lender).
- Anything the bank is doing that is interfering with your ability to carry out your plan to save your home.



# Understand the Final Decisions and Deadlines In Your Case

You do not have to move out of your house just because you have received foreclosure Court papers. Instead, the Court must first make a final decision of foreclosure, which is called a Judgment. You will receive the Judgment in the mail and it will give you the important dates that determine when you have to move out of your house.

There are two kinds of Judgments in foreclosure cases. It is important to understand which kind you have received because each has a different kind of deadline.

### **Judgment Of Strict Foreclosure—Law Day**

The Judgment of Strict Foreclosure will provide you with your **Law Day**. The day after the Law Day, you will lose your legal right to own your house AUTOMATICALLY without any further action by the bank, lender, mortgage company, or loan servicer or the Court.

If you believe you have good reasons that the Court should stop the foreclosure from going forward, you can file a **Motion to Open Judgment** (JD-CV-107) and request that the Judgment of Strict Foreclosure be reconsidered or that the Law Day be extended to a later date. See “Chapter 2, Understand the Process and Legal Terminology,” pg. 5.

### **Judgment Of Foreclosure By Sale—Sale Date**

The Judgment of Foreclosure by Sale will provide you with the Sale Date, which is the date an auction will be held. The Judgment of Foreclosure by Sale will also give a date prior to the Sale Date on which the Committee—the lawyer appointed by the Court to conduct the auction—can begin to incur expenses in connection with the sale. The Committee will pay to advertise the auction date, including putting a sign in front of your house, and these expenses will be added to the amount you owe.

If you believe you have good reasons that the Court should stop the foreclosure sale from going forward, you can file a Motion to Open Judgment and request that the Judgment of Foreclosure by Sale be reconsidered or that the Sale Date and/or the date for the Committee to begin incurring expenses be extended to a later date. See “Chapter 2, Understand the Process and Legal Terminology,” pg. 5.

After the auction, the Committee will file a Motion for Approval of Sale, which asks the Court to approve the result of the auction. The Court will decide at this point whether you are entitled to receive any proceeds from the sale. This will happen only if there are proceeds left over after satisfying all of the outstanding debts

secured by the property, plus the costs of the foreclosure case and the auction.

If you believe that you have good reasons that the Court should not approve the sale, you can file a written response and appear in Court on the date of the hearing on the Motion to Approve Sale to explain to the judge why you do not believe that the sale should be approved.

### **Getting More Time If You Are Negotiating With Your Lender**

Lenders are increasingly willing to negotiate with homeowners at every stage of the process if the homeowner has some possibility of paying the mortgage with a reasonable loan modification. Even if you have received a Judgment of Strict Foreclosure or Judgment of Foreclosure by Sale, your lender may still be working with you on a loan modification. You may think that the lender is taking steps to postpone the foreclosure, and you may even be told by your lender's call center employee not to worry about the upcoming Law Day or Sale Date. Keep in mind that these call centers handle calls from homeowners in all 50 states and they are not familiar with the foreclosure process in Connecticut. To protect yourself, *you must take responsibility for filing a Motion to Open Judgment to move the Law Day or Sale Date to allow enough time to complete the loan modification.* It is also a good idea to file a **Motion to Change the Mediation Period** (JD-CV-96) if you want the judge to send the case back to mediation so that you can get more time to move or more time to modify your mortgage.

### **Understanding When You Will Need to Move Out and Getting More Time If You Need It**

If you have exhausted the possibilities for remaining in your home, your attention should be focused on finding a new place to live and arranging to move. Even if you have not been able to prevent foreclosure, you can still ask for the time you need to leave in an orderly manner.

The best point at which to ask for the time you need to move out is BEFORE the judge enters a final Judgment. If it is clear that the judge intends to order foreclosure, you can still ask that the Law Day or Sale Date be set sufficiently in the future for you to make the necessary arrangements. You can do this by going to Court on the date that appears on the Short Calendar for the bank, lender, mortgage company, or loan servicer's Motion for Judgment of Strict Foreclosure. (See the section of this booklet entitled "Find Out When You Need to Go to Court", pg. 23, to find out when the Motion will be decided.) The judge will usually have selected a Law Day and Sale Date that applies to all the cases heard that day, but you can ask for a different day in your case. You should be prepared to explain your reasons to the judge, such as difficulty in finding a new place to live, family with special needs, allowing your children to finish the school year, or other personal or health issues.

If your case ends with a Judgment of Strict Foreclosure, you could be required to move anytime after the Law Day.

If your case ends with a Judgment of Foreclosure by Sale, you could be required to move anytime beginning 21 days after the Court approves the sale.

### **Execution Of Ejectment**

If you do not resolve your case before your Law Day or Approval of the Sale, the bank, lender, mortgage company, or loan servicer will seek to evict you—or “eject” you. An **Execution of Ejectment** is a Court order instructing a state marshal to forcibly remove you and your belongings from the home because you are no longer the owner and therefore not entitled to remain. The Execution of Ejectment will state a date and time for you to leave the house, which may be as soon as 24 hours after the marshal delivers the Execution of Ejectment. If the Court has entered a Judgment of Strict Foreclosure, you can receive an Execution of Ejectment as soon as your Law Day passes. If the Court has entered a Judgment by Sale, you can receive an Execution of Ejectment as soon as 21 days after the Court enters an order approving the Sale.

You may request more time to move by filing a **Stay of Execution Application —Summary Process** (JD-HM-21), see Appendix, pg. 41.





# Evaluate Your Options and Make a Plan

Homeowners face foreclosure because they are unable to make their monthly mortgage payments. The reason may be increased mortgage payments, reduced income, or a combination of the two. To get out of foreclosure and keep your home, you need to have a plan to address the financial circumstances that led to the foreclosure. If you have a plan, it has a reasonable chance of success, and you do what is necessary to keep the Court informed of your efforts, you have a good chance of avoiding foreclosure.

### What Are Your Options?

**PARTICIPATE IN MEDIATION.** Take advantage of the Mediation Program offered by the Court. Many homeowners in foreclosure have had successful outcomes by participating in Mediation.

Learn about the Stages of Foreclosure and the parts of a foreclosure case. Consult this Guide and Public Resources for detailed information on the steps involved and your options.

There are many resources available to homeowners trying to prevent foreclosure. The Connecticut Department of Banking publishes and continually updates a booklet explaining all of the resources available to Connecticut homeowners. This information can be obtained by calling the Department of Banking Mortgage Foreclosure Assistance Hotline at 877-472-8313 or online at [http://www.ct.gov/dob/lib/ob/consumer\\_education\\_nonhtml/avoiding\\_foreclosure.pdf](http://www.ct.gov/dob/lib/ob/consumer_education_nonhtml/avoiding_foreclosure.pdf).

Many homeowners qualify for the **Making Home Affordable Plan** (also known as the “**Obama Plan**”), which can provide refinancing or loan modifications that provide for more affordable payments given your financial circumstances. You can get more information about this option at [www.makinghomeaffordable.gov](http://www.makinghomeaffordable.gov).

It can be confusing and frustrating to try to sort out the various government programs and options offered by your particular lender. You can get free help from HUD-approved housing counseling agencies located throughout Connecticut. A list of these counseling agencies appears in the section of this booklet entitled “Where to Get More Information and Help.”

### What Is Your Plan?

Once you have determined which resources apply to your situation, you can make a plan to do what is required to pursue all of them. Avoiding foreclosure is most likely if you pursue a variety of options at the same time. Your best option may be an affordable loan modification agreement with your lender. You can get help from a

HUD-approved housing counselor in submitting the necessary paperwork and you can also pursue this option through the Foreclosure Mediation Program described in this Guide. Even if you are unemployed, your lender may be willing to agree to defer payment for some period of time while you find a new job. **MAKE A PLAN THAT WILL WORK FOR YOU.**

As you pursue your plan, you should keep a diary of all contacts with your lender and keep copies of all paperwork you submit as well as fax confirmations. Try not to get discouraged if you are being asked to submit the same paperwork repeatedly. If you can show that you have been trying your best to reach a reasonable agreement with your lender, the Court may be willing to consider your efforts and give you additional time to reach an agreement before ordering a foreclosure on your home.

Be careful not to make agreements that will be unaffordable or ultimately will not allow you to keep the home. It may take considerable time and effort, and the help of a HUD-approved housing counselor and/or the Foreclosure Mediation Program, but many, many Connecticut homeowners facing foreclosure end up with affordable loan modifications that allow them to keep their homes.

Keep at it with your bank. Submit all of the paperwork they ask for. Ask what modification programs are available. If the bank tells you that you are not eligible for a modification, have them give you specific reasons for their decision.

### **Beware Of Foreclosure Rescue Scams**

Foreclosures are public filings and some unscrupulous companies have made a business of using this public information to prey on the fear and despair of homeowners in foreclosure. If you are facing foreclosure, you may start receiving calls and letters from people who say they want to “help” you with your foreclosure. Many of these operators seem quite professional and will promise you results that they say you cannot get elsewhere. If someone contacts you and asks for money to help you with your foreclosure, IT IS A SCAM. These foreclosure rescue scams are being investigated by law enforcement, including the Federal Trade Commission and the Connecticut Attorney General. You can contact either of these agencies if you have any question about the legitimacy of someone who contacts you offering to help with your foreclosure for a fee.

HUD-Certified Housing Counselors do not charge a fee for their services.

# Where to Get More Information and Help

### **Legal Assistance**

#### **Statewide Legal Services (SLS) • 800-453-3320**

SLS is a legal telephone hotline program that assists low-income individuals with noncriminal legal matters, including foreclosure. When you contact SLS, a screener will ask you questions about you, your family and your total household income to determine whether you are eligible for their services.

#### **Consumer Law Project for Elders (CLPE) • 800-296-1467**

CLPE provides free legal assistance to Connecticut seniors 60 years of age and older of all income levels who have consumer questions or problems. When you contact CLPE, a receptionist will ask for some basic information and a brief description of your problem. You will then be contacted by an advocate to discuss your problem in more detail and possibly provide additional legal assistance or representation.

#### **Lawyer Referral Service**

These county bar services will set up an appointment with a local attorney who specializes in real estate and foreclosure. They charge \$25–35 for an initial half-hour consultation. After the consultation, the attorney will tell you what the charges would be for additional assistance.

Fairfield County • 203-335-4116  
[www.fairfieldlawyerreferral.com](http://www.fairfieldlawyerreferral.com)

Hartford, Litchfield, Middlesex, Tolland, Windham Counties • 860-525-6052  
[www.hartfordbar.org](http://www.hartfordbar.org)

New Haven County • 203-562-5750  
[www.newhavenbar.org](http://www.newhavenbar.org)

New London County • 860-889-9384  
[www.nlcba.org](http://www.nlcba.org)

### **HUD/CHFA-Approved Counseling Agencies**

#### **Acorn Housing Corp**

Bridgeport • 203-366-4180 ext. 8766

#### **Catholic Charities & Family Services**

Norwich • 860-889-8346 ext. 271

**Co-opportunity Inc.**

Hartford • 860-236-3617 ext.100

**Community Renewal Team (CRT)**

Hartford • 860-560-5881

**Housing Development Fund**

Bridgeport and Danbury • 203-338-9035 ext. 11

**Housing Education Resource Center**

Hartford • 860-296-4242 ext. 107

**Neighborhood Housing Services of New Britain**

860-224-2433 ext 112

**Neighborhood Housing Services of New Haven**

203-777-6925 ext. 26

**Neighborhood Housing Services of Waterbury**

203-753-1896 ext. 9

**Urban League of Greater Hartford**

860-527-0147 ext. 168

**Urban League of Southern Connecticut**

Stamford • 203-327-5810 ext. 108

**Information About the Law**

You can get more information about the law governing foreclosure by reading the relevant sections of the Connecticut General Statutes and the Connecticut Practice Book, which contains the rules of court. The General Statutes and Practice Book are available on the Judicial Department website located at [www.jud.ct.gov](http://www.jud.ct.gov) and in the Superior Court Law Libraries.

**Other Foreclosure Information Sources**

Connecticut Housing Finance Authority's Customer Call Center at 860-571-3500 or Toll Free at 877-571-CHFA [2432].

211 Infoline—The United Way's 2-1-1 provides free and confidential information and referral on a range of issues, including foreclosure.

Connecticut Department of Banking Mortgage Foreclosure Assistance Hotline at 877-472-8313.

**Accelerated or loan acceleration**—If you are behind on your mortgage, the lender or loan servicer can decide that the entire amount you owe on your loan is due now and then begin foreclosure. This is called loan acceleration.

**Answer**—This is a formal written response to the complaint filed by the bank, lender, mortgage company, or loan servicer. A copy of the official Court Answer form JD-CV-106 is contained in the Appendix.

**Appearance**—When a case is filed in Court, anyone who is named as a party must file an appearance (JD-CL-12) to let the Court know they received the complaint and intend to participate in the case. After January 1, 2010, homeowners who file a timely request for mediation will not have to file an Appearance form. You do not need to have a lawyer to file an Appearance. The deadline for the Appearance is 2 days after the Return Date—that means, file your Appearance within two days of the Return Date. However, after January 1, 2010 a homeowner who files a timely request for mediation does not have to file an Appearance.

**Auction**—A sale of property in which the property is sold to the person or company that bids the highest amount.

**Bank**—This Guide uses the terms “bank,” “lender,” “mortgage company,” and “loan servicer” to mean the company that owns your mortgage and may have the right to foreclose on your property.

**Caseflow coordinator**—A Judicial Branch employee who keeps track of the cases filed in his or her court and manages the scheduling of hearings and trials.

**Claims**—A legal demand or request for a court to take action.

**Collateral**—Property which the owner promises to a bank, lender, or mortgage company in exchange for a mortgage or other loan.

**Committee**—An attorney appointed by the Court to conduct the sale of any property in foreclosure and convey the property to the highest bidder.

**Complaint**—The original or initial pleading which begins a lawsuit.

**Convey**—To sell property or give legal title of property to another person.

**Court Clerk**—A Judicial Branch employee who maintains the official court record of the cases filed in his or her court. The clerk’s office receives all court papers and may assign hearing dates.

**Decision**—A judge’s determination as to what should happen in a case.

**Defendant**—The person against whom a legal case is brought.

**Defenses**—A legal reason or reasons why the bank, mortgage company, or loan servicer cannot foreclose.

**Demand Letter**—A letter sent by bank, lender, mortgage company, or loan servicer to a homeowner who has failed to make all of their mortgage payments. It is also known as an acceleration letter. The Demand Letter typically states that the loan has been deemed to be in default and that the homeowner has thirty (30) days to bring the loan current or pay it off. If a homeowner does not bring the loan current or pay it off within that time, the loan gets **accelerated**—that is, the entire amount is declared due and the bank begins a foreclosure.

**Discovery**—A process by which parties to a lawsuit are permitted to obtain from each other information that is relevant to the case. Discovery is conducted by sending Interrogatories and Requests for Production to the opposing party (with copies sent to all parties). For more about discovery, see Form 7 and the accompanying Note on pg. \_\_\_\_.

**Docket Number**—The number the court assigns to your case. Usually located on the upper right side of documents from the court or filed with the court.

**Equitable action**—A lawsuit or case in which one of the parties asks the court to award him or her something other than money. In a foreclosure case, a bank, lender, mortgage company, or loan servicer is asking the court to take the title to the property away from the homeowners.

**Equity**—A legal term that represents amount your house is worth minus any mortgages or liens on the property.

**Execution of Ejectment**—A court order instructing a state marshal to forcibly remove you and your belongings from the home because you are no longer the owner and therefore not entitled to remain.

**File**—To fax, mail or deliver something to court and to the people on the other side of a legal case.

**Foreclosure Mediation Certificate (JD-CV-108)**—A form is sent to homeowners along with the Summons and Complaint. A homeowner must fill it out and return it within 15 days of the return date. A copy of a Foreclosure Mediation Certificate is contained in the Appendix.

**Foreclosure Mediation Program**—A program designed to resolve foreclosure issues run by the Connecticut Judicial Department. More information on this program is found at pg. \_\_\_\_.

**Housing Counselor**—A counselor who assists borrowers in foreclosure. The Connecticut Fair Housing Center recommends that borrowers only go to **HUD Certified Housing Counselors** since these agencies are trained and certified by the U.S. Department of Housing and Urban Development. HUD certified housing counselors can assist with budgeting, contacting a mortgage loan servicer, applying for any of federal or state programs, and reviewing homeowners' options to re-finance their loans or work out a payment plan with their lender. **THEIR SERVICES ARE FREE OF CHARGE.** For a list of HUD Certified Housing Counselors, go to pg. \_\_\_\_.

**Judgment**—A decision by a judge as to what should happen to end a lawsuit. There are several types of judgments which can be issued in foreclosure cases. Each of them is described below.

**Judgment of Foreclosure by Sale**—A final decision of the Court ordering an auction of the property to the highest bidder. A Judgment of Foreclosure by Sale does the following: (1) sets a Sale Date, on which the auction will be held; (2) appoints a "**Committee**"—an attorney assigned by the Court to conduct the sale of any foreclosure property and **convey** the property to the highest bidder; and (3) sets a date on which the Committee may begin to incur the expenses for the auction, including advertising in the newspaper and having a sign made to post on the property. These expenses will be added to the amount of the debt owed by the homeowner.

**Judgment of Strict Foreclosure**—The final decision by the Court ordering that the homeowner will lose ownership of the property the day after the **Law Day**. The law day can be set as soon as 30 days after the judge enters the Judgment of Strict Foreclosure into the court record.

**Judicial Branch**—The branch of the Connecticut government which administers the courts.

**Judicial District**—Connecticut is divided into thirteen judicial districts which serve all of the cities and towns in the state. The Judicial District where your foreclosure case has been filed is written on the top of the foreclosure complaint.

**Law Day**—In Connecticut, after a judgment is entered in a foreclosure case, the Court sets a law day. The day after the law day, title or the legal right to the property transfers to the bank, lender, mortgage company, or loan servicer.

**Lien**—A claim on property for payment of a debt. A mortgage is a lien.

**Lender**—A bank, mortgage company, or other company that lends money.

**Loan Servicer**—The company that collects the mortgage payment. This is usually not the same company that gave the homeowners the mortgage to buy the house.

**Making Home Affordable**—A program of the federal government that can provide refinancing or loan modifications making mortgages more affordable given your financial circumstances. You can get more information about this option at [www.makinghomeaffordable.gov](http://www.makinghomeaffordable.gov).

**Mediator**—In the foreclosure process, a mediator is a Court-employee who is trained to help the homeowner and the bank, lender, mortgage company, or loan servicer come to an agreement about what should happen with the foreclosure case.

**Mediation**—The process of sitting down with a mediator, the homeowner, and the bank, lender, mortgage company, or loan servicer. Mediation includes one meeting or many meetings.

**Mortgage lender**—A bank, mortgage company, or other company that gives money to homeowners to buy property.

**Motion**—A formal request for a court to take action.

**Motion to Approve Sale**—A request by the **Committee** for the Court to approve the auction of a house that occurred on the Sale Date.

**Motion for Default for Failure to Appear**—A motion filed by the bank, mortgage company, lender, or loan servicer against all parties who have not filed a Foreclosure Mediation Certificate or Appearance form on time. This Motion is the request for the case to go forward without giving further notice to anyone who has not filed a Foreclosure Mediation Certificate or an Appearance.

**Motion for Default for Failure to Plead**—A motion filed by the bank, mortgage company, lender, or loan servicer against all parties who have not filed an Answer on time. This Motion is the request for the case to go forward without giving further notice to anyone who has not filed an Answer.

**Motion for Foreclosure by Sale (JD-CV-46)**—A homeowner can file this in response to the Motion for Judgment of Strict Foreclosure. The Motion for Foreclosure by Sale is a request for an auction at which the home will be sold to the highest bidder.

**Motion to Open Judgment (JD-CV-107)**—Even after a judgment has entered, a homeowner can ask a judge to open up that judgment or reconsider the case. The Motion must include an explanation of the reason the case should be reopened, for example to provide additional time to complete a short sale, allow for a orderly transition to a new residence, or to continue negotiations with the bank, lender, mortgage company, or loan servicer. A case may also be reopened due to a change in financial circumstances that improve the prospects of keeping the home or because of the discovery of new information that might affect the case. There is a filing fee of \$125.00 to file a Motion to Open Judgment. Homeowners who cannot afford this fee can ask the Court to waive the fee by filing fee waiver forms obtained at the clerk's office.



**Motion For Permission To Request Mediation Later Than 15 Days After Return Date Or To Change Mediation Period**—A form used to request Mediation after the customary deadline has passed. A copy of this form is contained in the Appendix.

**Motion for Judgment of Strict Foreclosure**—A request by the bank, lender, mortgage company, or loan servicer that the Court make a final decision to foreclose. A Strict Foreclosure is a foreclosure without an **auction** sale. The Motion for Strict Foreclosure will include a statement of the total debt the bank, lender, mortgage company, or loan servicer claims is owed by the homeowner. It will also include an appraisal giving what the bank, lender, mortgage company, or loan servicer contends is the current market value of the home. The Motion will ask the Court to enter a Judgment—or final decision—ordering that the homeowner loses title to the property on a date set by the Court, called the “**Law Day**”.

**Motion for Summary Judgment**—The bank, lender, mortgage company, or loan servicer’s request for the Court to decide that the homeowner owes money on the mortgage and that he or she no longer has the right own the house. The Motion for Summary Judgment usually explains why the bank, lender, mortgage company, or loan servicer believes that the homeowner should lose the house in spite of the reasons a homeowner has stated in their Answer and Special Defenses.

**Obama Plan**—The Federal government can provide refinancing or loan modifications that provide for more affordable payments given your financial circumstances. You can get more information about this option at [www.makinghomeaffordable.gov](http://www.makinghomeaffordable.gov).

**Objection to Motion for Summary Judgment**—A homeowner’s response to the Motion for Summary Judgment (see also “Preparing Your Objection to Summary Judgment,” pg. \_\_\_\_). It must include an Affidavit—a sworn statement—by the homeowner giving a more detailed explanation of the reasons stated in their Answer and Special Defenses. It may also include any further explanations that would help the Court understand the homeowner’s position in light of what the Bank, lender, mortgage company, or loan servicer has said in the Motion for Summary Judgment.

**Plaintiff**—The person or company who brings a lawsuit. In a foreclosure case, the bank, lender, mortgage company, or loan servicer will be the plaintiff.

**Pleadings**—Papers that are filed with a court during the foreclosure process. Some of the pleadings you may receive or file include a complaint, an answer, a request for mediation, and many others. For more information, go to pg. \_\_\_\_.

**Post-judgment**—The time after a court has made a decision in a case and issued a judgment. Even though the case has gone to judgment, you may still have options for saving your home. Contact a HUD-Certified Housing Counselor, the Court Clerk or Public Resources (see “Where to Get More Information and Help Chapter of this Guide”, pg. 33) for more information.

**Redeem**—To pay all of the money, costs, interest and fees owed to a bank, lender, mortgage company, or loan servicer. If all of the money is paid, the plaintiff or company bringing the foreclosure should withdraw the case and the homeowners would get to keep their home.

**Return Date**—The date that sets time periods for filing various documents in a case.

**Sale Date**—The date a property is scheduled to be sold at auction, usually a Saturday at noon.

**Short Calendar**—A Short Calendar is a schedule that lists cases with motions to be heard by a judge on a particular date.

**Short Sale**—A sale of a property by the owner for less than is owed on the mortgage, but the lender agrees this reduced payment erases the debt owed.

**Special Defenses**—Any reasons that you believe it would be unfair for the Court to order foreclosure.

**Stay of Execution Application (JD-HM-21)**—A request to the Court that the homeowner or renter be allowed to stay in his or her house. A stay of execution is usually given for a limited period of time until some specific event happens such as the school year ends or the homeowner finds another place to live.

**Summons**—Notification to a homeowner that he or she has been sued and has had a foreclosure case brought against him or her. The Summons is delivered by a judicial marshal. It can be left at the house of the person being sued, can be handed to the person who is being sued, or can be left with anyone over the age of 16 who lives at the house of the person being sued.

**Withdraw**—To tell the Court that the case has been settled and/or that no further court action is needed.

Many of the Forms referenced in this Guide are Official Forms and may be found on the Judicial Branch website. ([www.jud.ct.gov](http://www.jud.ct.gov)) The Forms attached here are a sample of some of the more common Forms you may need in your attempts to prevent foreclosure.

Be sure in all instances to mail a copy of any form you file to the attorneys who have filed Appearances in your case.

The Forms contained here (either samples or with references to the Judicial Branch's Official Form Number) are:

1. Appearance Form (JD-CL-12)
2. Foreclosure Mediation Certificate (JD-CV-108)
3. Foreclosure Mediation—Motion for Permission to Request Mediation Later than 15 Days After the Return Date or to Change Mediation Period (JD-CV-96)  
*[If you need to file this you should also file a Foreclosure Mediation Certificate (JD-CV-108), above.]*
4. Motion for Continuance (JD-CV-21)
5. Answer and Special Defenses (JD-CV-106)
6. Motion for Extension of Time (Sample)
7. Interrogatories and Request for Production (Sample)
8. Objection to Motion for Summary Judgment (Sample)
9. Motion to Open Judgment (Form JD-CV-107)
10. Motion for Inclusion (Sample)
11. Motion for Foreclosure by Sale (Sample)
12. Stay of Execution Application—Summary Process (JD-HM-21)

### **A Note about FORM # 7—Interrogatories and Request for Production**

The Connecticut rules of court practice (Chapter 13 of the *Connecticut Practice Book*) provide that parties in a lawsuit are permitted to obtain information from their opposing party that is relevant to the case. The process is called “discovery.”

Discovery is conducted by filing Interrogatories and Requests for Production on the opposing party (with copies sent to all parties). Discovery requests are not filed with the Court, just mailed to the attorneys for the Plaintiff. The opposing party has thirty days to respond—and may request further time to respond by filing a Motion for Extension of Time with the Court. (They may object to certain requests—if so, and you deem the information essential to your case, you would have to request a hearing to resolve their objection(s)).

If you think you need more information from the Plaintiff in order to prevent the foreclosure from going to judgment, you may serve Discovery requests.

Some of the more common issues in foreclosure cases are whether the Plaintiff owns the Note and Mortgage and whether payments made were accurately accounted for. You may ask about that—and request the Plaintiff provide proof that they own the Note and Mortgage, and provide proof of any other facts they have alleged in their complaint.

If you have sent Discovery to the Plaintiff and are waiting for the bank's reply, you may consider filing a Motion for Extension of Time to Plead to the complaint until you receive the bank's reply—it may determine whether you file an Answer and Special Defenses or not.

Discovery—and the information sought by discovery—can be rather technical and specific. If you don't know what to ask for or how exactly to ask for it, you should seek the advice of a housing counselor or consult other Public Resources for more information.

The attached Form may be used as an example if you seek to conduct Discovery.

**APPEARANCE**

JD-CL-12 Rev. 5/09  
P.B. §§ 3-1 thru 3-6, 3-8

STATE OF CONNECTICUT  
**SUPERIOR COURT**

www.jud.ct.gov

**NOTICE TO SELF-REPRESENTED PARTIES (PRO SE)**

**A self-represented party is a person who represents himself or herself. You must let the Clerk's Office know if you change your address by filling out this form.**

Note: If you are a self-represented party and you filed an appearance before and you are filing this only to let the court know that you have changed your address, check the box below:

I am filing this appearance only to let the court know that I have changed my address. My new address is below.

|  |                          |                          |                          |
|--|--------------------------|--------------------------|--------------------------|
| <input type="checkbox"/>                                 | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> |
| Judicial District  | Housing Session          | Geographic Area          | Small Claims             |
| Address of Court<br>(Number, street, town and zip code)  |                          |                          |                          |
| -----  |                          |                          |                          |
| -----  |                          |                          |                          |
| Docket number  |                          |                          |                          |
| Return date  |                          |                          |                          |
| Scheduled court date<br>(Criminal/Motor Vehicle Matters) |                          |                          |                          |

**INSTRUCTIONS**

1. Type or print.
2. **For Criminal and Motor Vehicle cases:** Mail or deliver a copy of the appearance to the prosecutor, fill out the Certification at bottom and file the original with the clerk. (Practice Book (P.B.) Sections 3-4, 3-5)
3. **For cases in Judicial District Courts, except criminal cases:** File only the original with the clerk. For criminal cases, see instruction #2.
4. **For cases in Geographical Area Courts, except criminal cases:** File the original and enough copies for each other party with the clerk. For criminal cases, see instruction #2.
5. **For Eviction (Summary Process) cases:** Follow the instruction for #3 or #4 above, and mail a copy to the attorney for the plaintiff, or if the plaintiff does not have an attorney, mail a copy to the plaintiff. Fill out the Certification at the bottom. (P.B. Sec. 3-5(a))
6. **For Small Claims cases:** File the original with the Small Claims area or Housing Session address. Mail or deliver a copy to the attorney or self-represented party and fill out the Certification at the bottom.
7. **For Appearances in place of (in-lieu-of) another attorney, law firm, or self-represented party:** Fill out the Certification at the bottom. (P.B. Sec. 3-8)
8. If a party who has been defaulted for failure to appear files an appearance before the entry of judgment after default, the default will automatically be set aside by the clerk. (P.B. Sec. 17-20)
9. **For Juvenile cases:** Do not use this form. Use form JD-JM-13 Appearance, Juvenile Matters.

**Name of case** (Plaintiff vs. Defendant) \_\_\_\_\_

**Please Enter the Appearance Of**

|   |   |                 |   |
|---|---|-----------------|---|
| Juris number of attorney or firm  | Name of self-represented party (See "Notice to Self-Represented Parties" at top), or name of official, firm, professional corporation, or individual attorney |                 |   |
| Mailing Address (Number, street) (Notice to attorneys and law firms - The address to which papers will be mailed from the court is the one registered or affiliated with your juris number. That address cannot be changed in this form.) |   | Post office box | Telephone number (Area code first)          |
| City/town   | State   | Zip code        | Fax number (Area code first) E-mail address |

**in the case named above for: ("x" one of the following parties)**

- The Plaintiff (includes the person suing another person).
- All Plaintiffs.
- The following Plaintiff(s) only: \_\_\_\_\_
- The Defendant (includes the person being sued or charged with a crime).
- The Defendant for the purpose of the bail hearing only (in criminal and motor vehicle cases only).
- All Defendants.
- The following Defendant(s) only: \_\_\_\_\_
- Other (Specify) \_\_\_\_\_

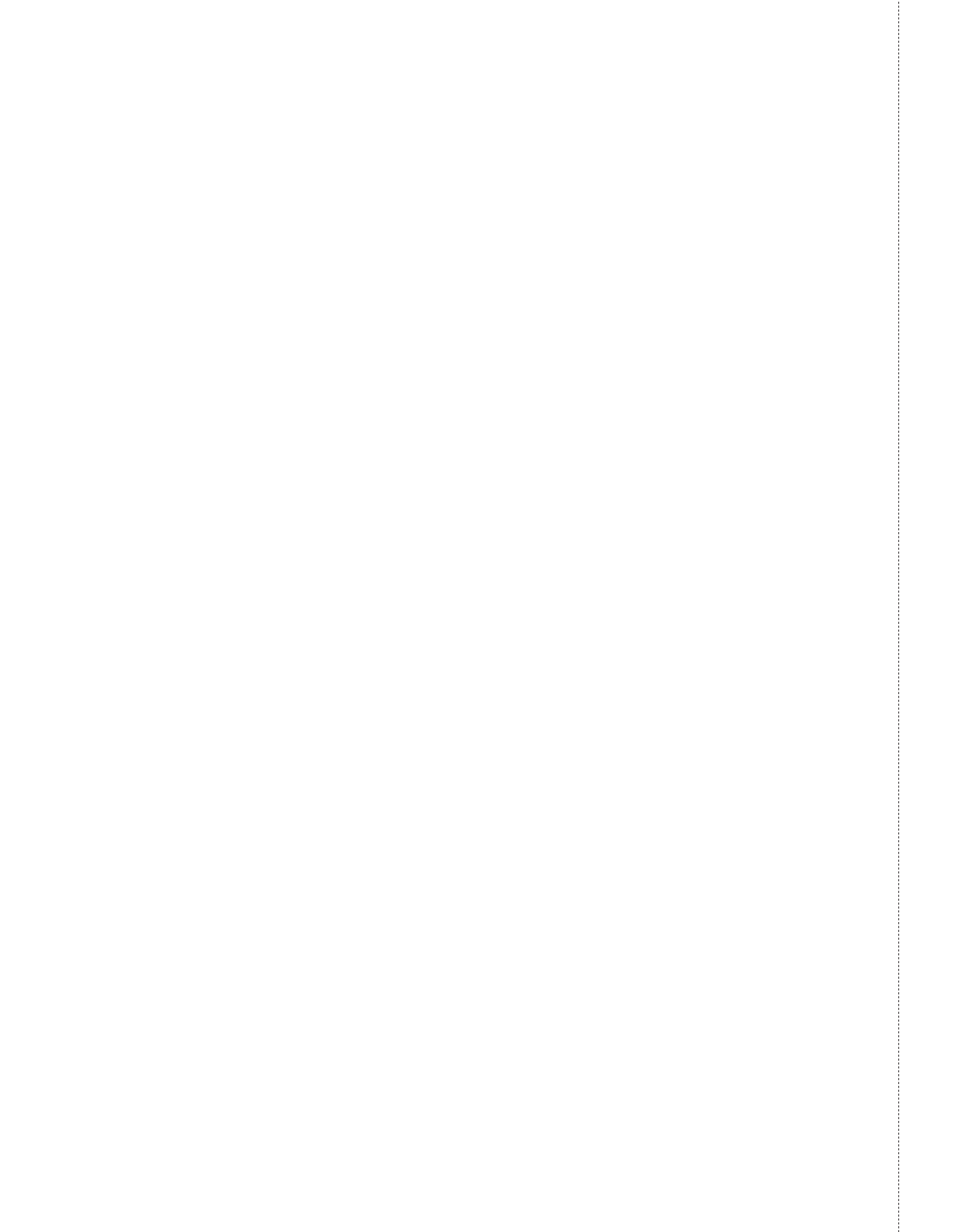
Note: If other counsel or a self-represented party have already filed an appearance for the party or parties "x'd" above, put an "x" in 1 of these 2 boxes:

- This appearance is in place of the appearance of the attorney or firm or self-represented party on file (P.B. Sec. 3-8) **OR** \_\_\_\_\_ (Name and Juris Number)
- This appearance is in addition to an appearance already on file.

|  |  |             |
|--|--|-------------|
| Signed (Individual attorney or self-represented party) | Name of person signing at left (Print or type) | Date signed |
|--|--|-------------|

|   |   |
|---|---|
| <p><b>Certification</b></p> <p>This certification has to be filled out only in eviction cases; for "in place of" appearances; in criminal cases; and in small claims matters.</p> <p><b>I certify that I mailed or delivered a copy of this Appearance form to:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> All counsel and self-represented parties of record as listed below and on any additional sheet(s). (For evictions (P.B. Sec. 3-5(a)), criminal actions (P.B. Sec. 3-5(c)) and small claims matters)</li> <li><input type="checkbox"/> Counsel or the party whose appearance is to be replaced as listed below and on additional sheet(s). (For appearances in place of another attorney or firm (P.B. Sec. 3-8))</li> </ul> | For Court use only                            |
|   |   |
|   |   |
|   |   |
| Signed (Individual attorney or self-represented party)  | Date copies mailed or delivered               |
| Name of each party copy was mailed or delivered to *  | Address at which copy was mailed or delivered |

\* If necessary, attach an additional sheet or sheets with the name of each party and the address at which the copy was mailed or delivered to.



**FORECLOSURE MEDIATION  
CERTIFICATE**

JD-CV-108 New 7-09  
P.A. 09-209

**STATE OF CONNECTICUT  
SUPERIOR COURT  
JUDICIAL BRANCH**  
www.jud.ct.gov



**Instructions to Homeowner Applicant**

1. Use this form if return date in your case is on or after July 1, 2009.
2. Fill out this Certificate form and an Appearance form, JD-CL-12 (available at the courthouse or online at [www.jud2.ct.gov/webforms](http://www.jud2.ct.gov/webforms)) and **file them with the court not more than 15 days after the return date on the Summons.**
3. You must mail or deliver a copy of this completed Certificate form to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney.

**Type or Print Legibly**

|   |  |   |
|---|--|---|
| Name of case ( <i>Plaintiff on Summons vs. Defendant on Summons</i> ) |  | Docket number ( <i>To be filled in by court staff</i> ) |
| Return date ( <i>On upper right portion of Summons</i> )              | Judicial District of ( <i>On upper left portion of Summons</i> ) |   |

**Homeowner(s) Information**

|  |                         |                     |
|--|-------------------------|---------------------|
| Your name(s)   |                         |                     |
| Address ( <i>Number, street, town, state, zip code</i> ) |                         |                     |
|  |                         |                     |
| Telephone number<br>(   )                                | Business phone<br>(   ) | Cell phone<br>(   ) |

- Is this property your primary residence?  Yes  No
- Do you occupy the property?  Yes  No
- Is it a 1, 2, 3 or 4 family residential property located in Connecticut?  Yes  No
- Are you the borrower?  Yes  No
- Is this a mortgage foreclosure?  Yes  No

|        |                              |             |
|--------|------------------------------|-------------|
| Signed | Print name of person signing | Date signed |
|--------|------------------------------|-------------|

Name and address of each party (*plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney*) this Certificate was mailed or delivered to:\*

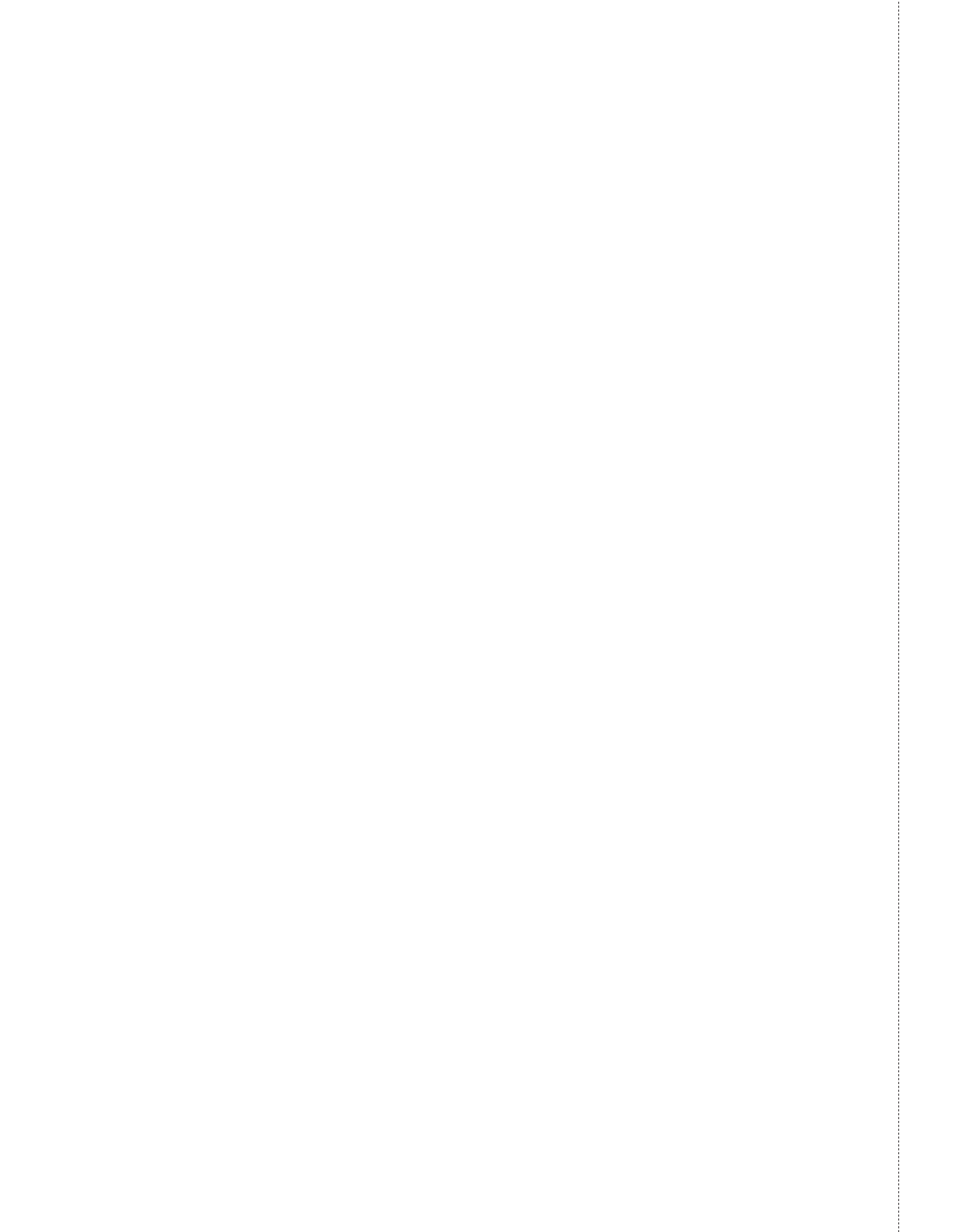
|   |  |
|---|--|
| Name ( <i>Of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) copy was mailed or delivered to</i> ) | Address ( <i>At which copy was mailed or delivered</i> ) |
|   |  |
|   |  |

*\*If necessary, attach an additional sheet or sheets with the name of each party (plaintiff's attorney, or the plaintiff if the plaintiff is not represented by an attorney) and the address at which the copy was mailed or delivered to.*

I certify that a copy of this Certificate was mailed or delivered to the plaintiff's attorney, or to the plaintiff if the plaintiff is not represented by an attorney, on (*Date mailed or delivered*): \_\_\_\_\_

|  |                              |                  |
|--|------------------------------|------------------|
| Signed ( <i>Attorney or self-represented party completing form</i> ) | Print name of person signing | Telephone number |
|--|------------------------------|------------------|

Address (*Number, street, town, state, zip code*)





**FORECLOSURE MEDIATION —  
MOTION FOR PERMISSION TO  
REQUEST MEDIATION LATER THAN  
15 DAYS AFTER RETURN DATE OR  
TO CHANGE MEDIATION PERIOD**

JD-CV-96 Rev. 8-09  
C.G.S. § 49-31k-n, P.A. 09-209

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

**Instructions to person filing this form**

1. Type or print legibly.
2. Fill out section I or II of this form and file it with the court.
3. An appearance form (JD-CL-12) must be filed with this form if an appearance has not already been filed with the court.

|  |               |
|--|---------------|
| Name of Case ( <i>Plaintiff v. Defendant</i> ) | Docket Number |
| Judicial District of                           | Return Date   |

**I. Motion for Permission to file a Foreclosure Mediation Certificate later than 15 days after the return date:**



I request permission to file the attached Foreclosure Mediation Certificate (JD-CV-108) for the following (good cause) reason:

---

**II. Motion for Modification of Mediation Period:**



I request that the mediation period be modified, as follows:

Allow up to 30 more days for the mediation period to \_\_\_\_\_ for the following (good cause) reason:  
(Date)

\_\_\_\_\_ or,

Shorten the mediation period to \_\_\_\_\_ for the following (good cause) reason:  
(Date)



|  |                              |  |
|--|------------------------------|--|
| Signature of Person Submitting Motion                    | Print Name of Person Signing | Date Signed                                |
| Address ( <i>Number, street, town, state, zip code</i> ) |                              | Telephone Number ( <i>with area code</i> ) |

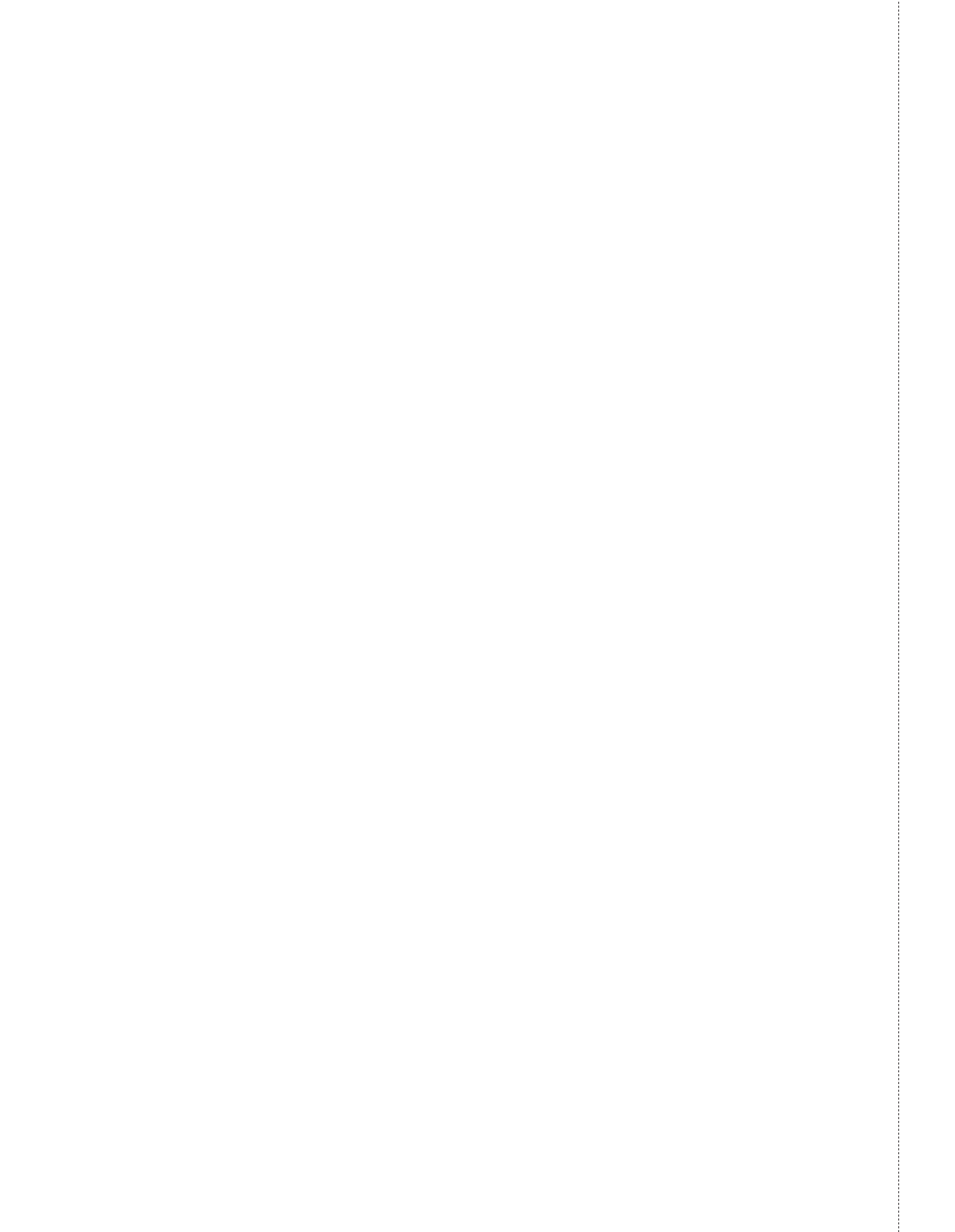
**Certification**

I certify that a copy of this Foreclosure Mediation Motion was mailed or delivered to all counsel and self-represented (pro se) parties of record on \_\_\_\_\_ .  
(Date)

|   |  |
|---|--|
| Name of each party the Foreclosure Mediation Motion was mailed or delivered to* | Address where the Foreclosure Mediation Motion was mailed or delivered |
| Signed  | Telephone Number ( <i>with area code</i> )                             |

|   |   |
|---|---|
| <p><b>Order (For Court Use Only)</b></p> <p><input type="checkbox"/> Granted until: _____ <input type="checkbox"/> Denied</p> <p>-----</p> <p>-----</p> | <p style="text-align: center;"><b>For Court Use Only</b></p> <p>File date</p> |
| By the Court (Judge/Clerk)  | Date  |

\*If needed, attach additional sheet with name of each party the Foreclosure Mediation Motion was mailed or delivered to and the address where it was mailed or delivered.



**MOTION FOR CONTINUANCE**

JD-CV-21 Rev. 9-07  
C.G.S. § 52-196  
P.B. § 14-23, 14-24

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



**INSTRUCTIONS TO PERSON MAKING MOTION**

Complete all sections and submit to the **Caseflow Office** or the person with caseflow responsibilities.  
**Please submit at least three days before the date of the scheduled event.**

NAME OF CASE (First-named plaintiff v. First-named defendant)

|                       |                |                         |                            |                              |
|-----------------------|----------------|-------------------------|----------------------------|------------------------------|
| JUDICIAL DISTRICT OF: | DATE OF MOTION | DATE OF SCHEDULED EVENT | COLUMN NO. (If applicable) | SEQUENCE NO. (If applicable) |
|-----------------------|----------------|-------------------------|----------------------------|------------------------------|

|  |            |
|--|------------|
| NAME OF JUDGE WHO SCHEDULED EVENT FOR WHICH CONTINUANCE IS REQUESTED (If applicable) | DOCKET NO. |
|--|------------|

(S)

**EVENT FOR WHICH CONTINUANCE IS REQUESTED: ("X" applicable box(es) and explain below)**

- |  |  |
|--|--|
| <input type="checkbox"/> ARBITRATION                       | <input type="checkbox"/> FACT-FINDING                |
| <input type="checkbox"/> ADMINISTRATIVE APPEAL HEARING     | <input type="checkbox"/> JURY TRIAL                  |
| <input type="checkbox"/> ATTORNEY TRIAL REFEREE PROCEEDING | <input type="checkbox"/> HEARING IN DAMAGES          |
| <input type="checkbox"/> COURT TRIAL                       | <input type="checkbox"/> PRETRIAL                    |
| <input type="checkbox"/> COURT-ANNEXED MEDIATION           | <input type="checkbox"/> STATUS CONFERENCE           |
| <input type="checkbox"/> EARLY INTERVENTION CONFERENCE     | <input type="checkbox"/> TRIAL MANAGEMENT CONFERENCE |
| <input type="checkbox"/> EARLY NEUTRAL EVALUATION          | <input type="checkbox"/> OTHER                       |

**REASON(S) FOR CONTINUANCE REQUEST: ("X" reason(s) and provide explanation)**

- |   |  |
|---|--|
| <input type="checkbox"/> COUNSEL NOT READY _____                              | <input type="checkbox"/> LAY WITNESS NOT AVAILABLE (Name of witness) _____ |
| <input type="checkbox"/> DISCOVERY NOT COMPLETE _____                         |  |
| <input type="checkbox"/> COUNSEL NOT AVAILABLE _____                          | <input type="checkbox"/> OTHER _____                                       |
| <input type="checkbox"/> PARTY NOT AVAILABLE (Name of party) _____            |  |
| <input type="checkbox"/> EXPERT WITNESS NOT AVAILABLE (Name of witness) _____ |  |

Continue explanation, if necessary:

For the above reason(s) I hereby request this case be continued to (date): \_\_\_\_\_

**I hereby agree to be responsible for notifying my client and all counsel of record and pro se parties whether the continuance is granted or denied, and if granted, the new date of the scheduled event. I have contacted all counsel and pro se parties of record regarding my intention to seek a continuance. ALL SUCH COUNSEL AND PRO SE PARTIES:**

CONSENT  DO NOT CONSENT TO THE ABOVE MOTION FOR CONTINUANCE AND REQUESTED CONTINUANCE DATE.

**PLEASE NOTE: Agreement to continue a matter does not assure that the motion for continuance will be granted by the court.**

I hereby certify that a copy of this motion was mailed/delivered to all counsel and pro se parties of record on the date shown at right. A sheet is attached listing the name and address of each party served.

DATE COPIES MAILED/DELIVERED

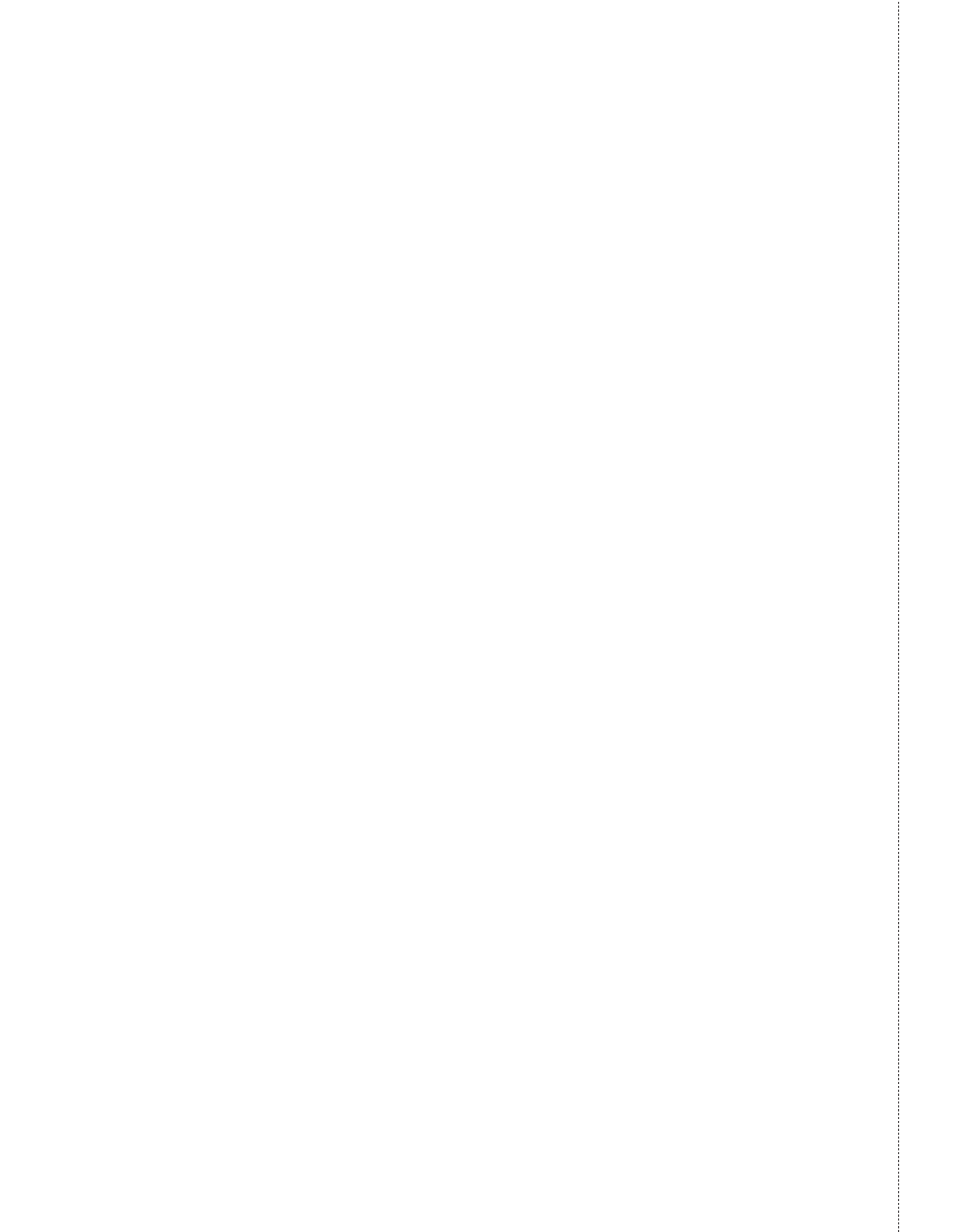
|                               |  |
|-------------------------------|--|
| SIGNED (Person making motion) | NAME OF ATTORNEY OR PRO SE PARTY (Print or type) |
|-------------------------------|--|

PERSON MAKING MOTION IS:

|                                    |                                    |   |   |
|------------------------------------|------------------------------------|---|---|
| <input type="checkbox"/> PLAINTIFF | <input type="checkbox"/> DEFENDANT | <input type="checkbox"/> ATTORNEY FOR PLAINTIFF | <input type="checkbox"/> ATTORNEY FOR DEFENDANT |
|------------------------------------|------------------------------------|---|---|

|                          |         |                            |
|--------------------------|---------|----------------------------|
| FIRM NAME, IF APPLICABLE | ADDRESS | PHONE NO. (with area code) |
|--------------------------|---------|----------------------------|

|              |  |                   |                |      |
|--------------|--|-------------------|----------------|------|
| <b>ORDER</b> | MOTION FOR CONTINUANCE IS:                                       | MATTER CONT'D TO: | SIGNED (Judge) | DATE |
|              | <input type="checkbox"/> GRANTED <input type="checkbox"/> DENIED |                   |                |      |



**ANSWER TO COMPLAINT  
CIVIL CASES ONLY**

JD-CV-106 New 4-09  
(Formerly JD-HM-18)

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

|               |
|---------------|
| Docket number |
| Return date   |

|   |  |
|---|--|
| Name of Plaintiff(s)  | Name of Defendant(s)                                 |
| <input type="checkbox"/> Judicial District <input type="checkbox"/> Housing Session <input type="checkbox"/> Geographical Area Number _____ at: _____ | Address of Court ( <i>Number, street, and town</i> ) |

**Answer**

In response to each paragraph of the Complaint, please "X" whether you agree, disagree or do not know.

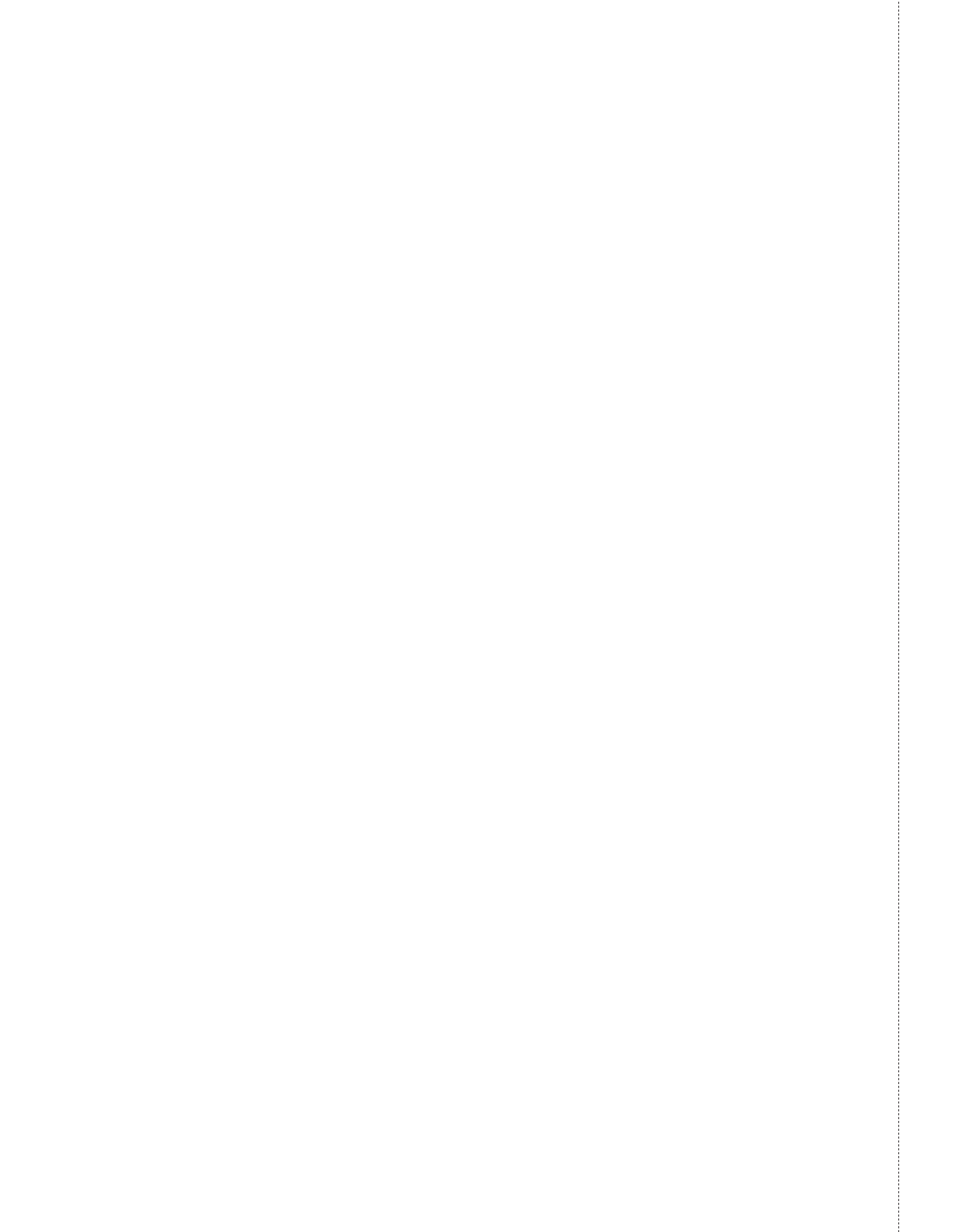
- |  |  |
|--|--|
| 1. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know | 5. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |
| 2. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know | 6. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |
| 3. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know | 7. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |
| 4. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know | 8. <input type="checkbox"/> Agree <input type="checkbox"/> Disagree <input type="checkbox"/> Do Not Know |

**Special Defenses**

**Defendant's Certification**

|  |   |
|--|---|
| I certify that this answer is true to the best of my knowledge and that a copy was mailed or delivered to all counsel and self-represented parties of record on: | Date copy or copies mailed or delivered |
| Signed ( <i>Defendant's signature</i> )<br>▶   | Date signed                             |
| Name of each party served and address at which service was made*   |   |

\* If necessary, attach additional sheet with names of each party served and the address at which service was made.



DOCKET NO. \_\_\_\_\_ : SUPERIOR COURT  
 \_\_\_\_\_ (Plaintiff) : JUDICIAL DISTRICT OF  
 VS. : \_\_\_\_\_  
 \_\_\_\_\_ (Defendant) : AT \_\_\_\_\_  
 : \_\_\_\_\_ (Date)

**MOTION FOR EXTENSION OF TIME**

The Defendant, \_\_\_\_\_, hereby moves this Court for an Extension  
 of Time to Plead / Respond to the Plaintiff, for \_\_\_\_\_ days, for the following reason(s):

**ORAL ARGUMENT IS REQUESTED**  
**TESTIMONY MAY BE NECESSARY**

THE DEFENDANT

\_\_\_\_\_  
*Signature*

**ORDER**

The foregoing Motion, having been duly considered by the Court, it is hereby ORDERED: GRANTED / DENIED.

BY THE COURT

\_\_\_\_\_  
Judge of the Superior / Clerk

**CERTIFICATION**

I hereby certify that I mailed a copy of the foregoing Motion to all counsel and parties of record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to the following:

\_\_\_\_\_  
(List names and addresses of all persons to whom you mailed this document)

\_\_\_\_\_  
Defendant (*Signature*)



DOCKET NO. \_\_\_\_\_ : SUPERIOR COURT  
 \_\_\_\_\_ (Plaintiff) : JUDICIAL DISTRICT OF  
 VS. : \_\_\_\_\_  
 \_\_\_\_\_ (Defendant) : AT \_\_\_\_\_  
 : \_\_\_\_\_ (Date)

**INTERROGATORIES AND REQUEST FOR PRODUCTION**

The Defendant, \_\_\_\_\_, pursuant to the applicable provisions of the Connecticut Practice Book, hereby serves these Interrogatories and Request for Production on the Plaintiff and requests that the Plaintiff answer the Interrogatories and produce the documents requested within thirty (30) days of the date of this request.

**INTERROGATORIES**

1. Please identify the name of the person answering these Interrogatories and their relation to the Plaintiff.

**Answer:**

- 2.

**Answer**

\_\_\_\_\_.

**Answer**

—.

**Answer**

—.

**Answer**

—.

**Answer**

**REQUEST FOR PRODUCTION**

Please produce the following documents:

- 1.

- 2.
- 3.
- 4.
- 5.

THE DEFENDANT

\_\_\_\_\_  
*Signature*

I hereby certify that I have reviewed the Interrogatories and Request for Production and the replies above are true and accurate to the best of my knowledge and belief.

THE PLAINTIFF

\_\_\_\_\_

Subscribed and sworn to before me this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_.

\_\_\_\_\_

**CERTIFICATION**

I hereby certify that I mailed a copy of the foregoing Interrogatories and Request for Production to all counsel and parties of record this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, to the following:

---

(List names and addresses of all persons to whom you mailed this document)

---

Defendant (*Signature*)

This blank form was prepared by the Connecticut Fair Housing Center as part of the Appendix to "Representing Yourself in Foreclosure: A Guide for Homeowners." It is a general form and may need to be adjusted to reflect the circumstances of individual litigants.

DOCKET NO. \_\_\_\_\_ : SUPERIOR COURT  
 \_\_\_\_\_ (Plaintiff) : JUDICIAL DISTRICT OF  
 VS. : \_\_\_\_\_  
 \_\_\_\_\_ (Defendant) : AT \_\_\_\_\_  
 : \_\_\_\_\_ (Date)

**OBJECTION TO MOTION FOR SUMMARY JUDGMENT**

The Defendant, \_\_\_\_\_, hereby objects to the Motion for Summary  
 for the following reason(s):

**ORAL ARGUMENT IS REQUESTED  
 TESTIMONY MAY BE NECESSARY**

THE DEFENDANT

\_\_\_\_\_  
*Signature*

**ORDER**

The foregoing Objection to Motion for Summary Judgment, having been duly considered by the Court, it is hereby ORDERED: SUSTAINED / OVERRULED.

BY THE COURT

\_\_\_\_\_  
Judge of Superior Court / Clerk

**CERTIFICATION**

I hereby certify that I mailed a copy of the foregoing Motion to all counsel and parties of record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to the following:

\_\_\_\_\_  
(List names and addresses of all persons to whom you mailed this document)

\_\_\_\_\_  
Defendant (*Signature*)

**MOTION TO OPEN JUDGMENT  
(CIVIL MATTERS OTHER THAN  
SMALL CLAIMS AND HOUSING  
MATTERS)**

JD-CV-107 New 6-09  
C.G.S. 52-212, 52-212a, 52-259c  
Pr.Bk. Secs. 17-4, 17-43, 25-38

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



NOTICE: This motion must be filed with the correct fee required by C.G.S. § 52-259c(a).

|                |
|----------------|
| Court Use Only |
| <b>GW</b>      |



|  |           |               |
|--|-----------|---------------|
| Name of case (Plaintiff vs. Defendant) |           | Docket number |
| Judicial District of                   | At (Town) |               |

**Motion To Open Judgment**

I request that the judgment in the case named above be opened because:

**Therefore I request that the judgment be opened.**

NOTE: If this is a motion to open a judgment entered because of a default or nonsuit, the motion must be sworn to by the person filing this motion or that person's attorney.

|  |  |
|--|--|
| Signed (Plaintiff/Defendant or Attorney)                     | Date signed  |
| Subscribed and sworn to before me on (Date) (See note above) | Signed (Assistant Clerk, Comm. of Superior Court) (See note above) |

**Certification**

I certify that on \_\_\_\_\_ a copy of this motion was mailed or delivered to all counsel and self-represented (pro se) parties who have appeared in this matter.

|  |  |
|--|--|
| Signed (Plaintiff, Defendant, or Attorney) | Address (Number, street, town, and zip code) |
|--|--|

Name of each party copy was mailed or delivered to and address to which copy was mailed or delivered (If necessary, attach additional sheet)

**Order For Hearing And Notice (To be completed by clerk, if applicable)**

The Court orders that a hearing on this motion be held at the time and place shown below. The Court also orders the  plaintiff  defendant to give notice to the other party of the Motion and of the time and place where the court will hear it, by having a true and attested copy of the Motion and this Order served on the other party by any proper officer at least **12 days** before the date of the hearing. Proof that delivery was made must be shown to this Court at least **6 days** before the date of hearing.

|                                |                                      |  |             |      |
|--------------------------------|--------------------------------------|--|-------------|------|
| <b>Hearing To Be Held At</b> → | Superior Court, Judicial District of |  | Date        |      |
|                                | Court address                        |  | Room number | Time |

To any proper officer:

By the Authority of the State of Connecticut, you must serve a true and attested copy of the above Motion and Order for Hearing on the below named person in one of the ways required by law at least **12 days** before the date of the hearing, and file proof of service with this Court at least **6 days** before the hearing.

|                     |                        |             |  |
|---------------------|------------------------|-------------|--|
| Person to be served | Address                |             |  |
| By the Court        | Judge, Assistant Clerk | Date signed |  |

(Continued on back/page 2)

|   |               |
|---|---------------|
| Name of case ( <i>Plaintiff vs. Defendant</i> ) | Docket number |
|---|---------------|

**Order**

This motion to open judgment is ordered:     Granted.     Denied.

|              |                        |             |
|--------------|------------------------|-------------|
| By the Court | Judge, Assistant Clerk | Date signed |
|--------------|------------------------|-------------|

**For Court Use Only**

Fee for motion to open:     Paid     Waived



DOCKET NO. \_\_\_\_\_ : SUPERIOR COURT  
 \_\_\_\_\_ (Plaintiff) : JUDICIAL DISTRICT OF  
 VS. : \_\_\_\_\_  
 \_\_\_\_\_ (Defendant) : AT \_\_\_\_\_  
 : \_\_\_\_\_ (Date)

**MOTION FOR INCLUSION IN THE FORECLOSURE MEDIATION PROGRAM**

To all counsel and pro se parties of record:

The defendant(s) in the above-entitled matter respectfully represent(s):

1. I/we have filed an Appearance form (JD-CL-12) or a Foreclosure Mediation Certificate (JD-CV-108) with the Court.
2. The Return Date on this matter was *(on the upper right portion of the Summons)*  
\_\_\_\_\_.
3. My/our address is \_\_\_\_\_  
\_\_\_\_\_
4. This property is a one-to-four family residential property located in Connecticut.
5. This property is my/our primary residence.
6. I am/we are the borrower(s).
7. This matter is a mortgage foreclosure.
8. I/we request foreclosure mediation in my/our case.

| Signed ( <i>Attorney or self-represented party</i> )           | Print Name of Person(s) Signing | Telephone Number |
|--|---------------------------------|------------------|
| _____<br>_____   | _____<br>_____                  |                  |
| Address ( <i>Street Number, street, town, state zip code</i> ) |                                 |                  |
|  |                                 |                  |

**ORDER**

The foregoing Motion, having been duly considered by the Court, it is hereby ORDERED: GRANTED / DENIED.

BY THE COURT

\_\_\_\_\_  
Judge of the Superior / Clerk

**CERTIFICATION**

I hereby certify that I mailed a copy of the foregoing Motion to all counsel and parties of record this \_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_, to the following:

\_\_\_\_\_  
(List names and addresses of all persons to whom you mailed this document)

\_\_\_\_\_  
Defendant (*Signature*)

This blank form was prepared by the Connecticut Fair Housing Center as part of the Appendix to "Representing Yourself in Foreclosure: A Guide for Homeowners." It is a general form and may need to be adjusted to reflect the circumstances of individual litigants.

DOCKET NO. \_\_\_\_\_ : SUPERIOR COURT  
 \_\_\_\_\_ (Plaintiff) : JUDICIAL DISTRICT OF  
 VS. : \_\_\_\_\_  
 \_\_\_\_\_ (Defendant) : AT \_\_\_\_\_  
 : \_\_\_\_\_ (Date)

**MOTION FOR FORECLOSURE BY SALE**

The Defendant, \_\_\_\_\_, hereby moves that a judgment of foreclosure by sale be entered in the above matter, for the following reason(s):

**ORAL ARGUMENT IS REQUESTED  
TESTIMONY MAY BE NECESSARY**

THE DEFENDANT

\_\_\_\_\_

**ORDER**

The foregoing Motion for Foreclosure By Sale, having been duly considered by the Court, it is hereby ORDERED: GRANTED / DENIED.

BY THE COURT

\_\_\_\_\_  
Judge of the Superior Court / Clerk

**CERTIFICATION**

I hereby certify that I mailed a copy of the foregoing Motion to all counsel and parties of record this \_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, to the following:

\_\_\_\_\_  
(List names and addresses of all persons to whom you mailed this document)

\_\_\_\_\_  
Defendant

This blank form was prepared by the Connecticut Fair Housing Center as part of the Appendix to "Representing Yourself in Foreclosure: A Guide for Homeowners." It is a general form and may need to be adjusted to reflect the circumstances of individual litigants.

**STAY OF EXECUTION  
APPLICATION - SUMMARY PROCESS**

JD-HM-21 Rev. 4-09  
C.G.S. §§ 47a-30, 47a-35, 47a-36, 47a-37, 47a-39

STATE OF CONNECTICUT  
**SUPERIOR COURT**

www.jud.ct.gov



┌ Name and mailing address of Plaintiff or Plaintiff's Attorney ┐

└ Name and mailing address of Defendant or Defendant's Attorney ┘

**Instructions to Tenant**

Fill-out this application and file all three (3) copies with the clerk of the court location where the judgment was entered. One (1) copy will be returned to you showing the Date of Hearing.

|  |   |  |
|--|---|--|
| Case docket number   | <input type="checkbox"/> J.D. Housing Session<br><input type="checkbox"/> G.A. Number _____ | Clerk's office address (Number, street, town and zip code) |
| Name and address of Plaintiff (Landlord) (If not indicated above)  |   |  |
| Name of Defendant/Applicant (Tenant) (If not indicated above) and address (if not indicated above or if different from Location of Premises below) |   |  |
| Location of Premises   |   | Date of judgment   |

**To: The Superior Court**

- I request that my eviction be delayed (stay of execution of the judgment) because:
  - I live in the premises.
  - I have tried to find other premises for me and my family somewhere else in my city or town or in a city or town near my city or town in a neighborhood like my neighborhood and cannot find one.
  - This application is made honestly and I will do whatever the court orders me to do.
- The eviction was not granted because of nuisance committed or permitted by me or because of the use of or permitting the use of the premises for an immoral or illegal purpose or because I never had a right or privilege to live in the premises.
- If the eviction was granted because of nonpayment of rent, then within 5 days of the date of judgment, I deposited with the clerk the full arrearage (amount of back rent and/or use and occupancy owed to the landlord) of \$ \_\_\_\_\_ required by section 47a-37 of the General Statutes **Or**,  
 No arrearage exists. (Applicant should bring proof of payment to the hearing.)

|   |                              |             |
|---|------------------------------|-------------|
| Telephone number of Defendant/Applicant | Signed (Defendant/Applicant) | Date signed |
|---|------------------------------|-------------|

**Notice Of Court Hearing - Stay Of Execution Application**

**To: The parties named above**

The tenant(s) named above has filed an application in this court requesting a stay of execution of the judgment entered on the Date of Judgment shown above, as stated in the application above.

**The Superior Court will hold a hearing on this application at the Place, Date and Time shown below.**

This is to notify you that if you want to talk to the court about this application, you or your attorney must come to the court on that date and at that time. If the landlord does not come to the hearing, an order granting the application and delaying your eviction (staying the execution of the judgment) may be entered. If the tenant(s) does not come to the hearing, an order denying the application may be entered.

|   |                 |                            |
|---|-----------------|----------------------------|
| Place of hearing (If different from clerk's office address shown above) | Date of hearing | Time of hearing<br>____.m. |
|---|-----------------|----------------------------|

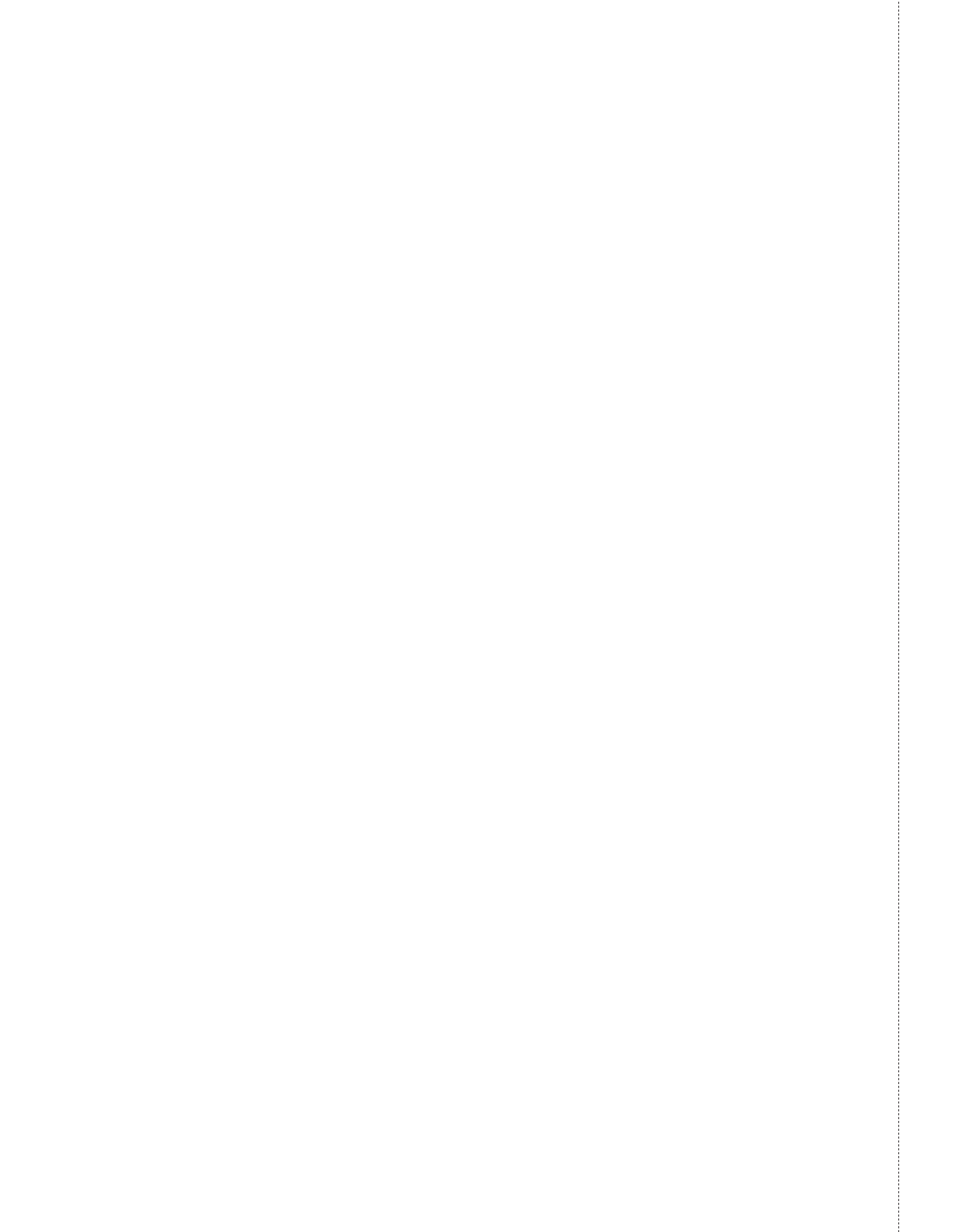
|                          |             |
|--------------------------|-------------|
| Signed (Assistant Clerk) | Date signed |
|--------------------------|-------------|

**Order Of Court**

|   |                                       |
|---|---------------------------------------|
| The Court orders this Application: <input type="checkbox"/> Granted <input type="checkbox"/> Denied | BY THE COURT (Judge, Assistant Clerk) |
|---|---------------------------------------|

**Distribution:** Original - Court    Copy 1 - Plaintiff    Copy 2 - Defendant/Applicant

**STAY OF EXECUTION**



## **Acknowledgements**

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An electronic version of this Guide can be found at [www.ctfairhousing.org](http://www.ctfairhousing.org).

The information in this document is based on laws in Connecticut as of November 2009. We hope that the information is helpful. It is not intended as legal advice for an individual situation. If you need further help and have not done so already, please consult “Chapter 8: Where to Get More Information and Help” or contact a lawyer.

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