

DOCKET NO. _____	:	SUPERIOR COURT
	:	
[NAME OF APPLICANT]	:	J.D. OF _____
	:	AT _____
VS.	:	
	:	
[NAME OF ALL OTHER OWNERS, LIENHOLDERS, AND ENCUMBRANCERS BUT <u>NOT</u> THE MUNICIPALITY OR BIDDER]	:	_____, 20__
	:	

**SUMMONS**

TO THE STATE MARSHAL OF THE COUNTY OF \_\_\_\_\_:

BY AUTHORITY OF THE STATE OF CONNECTICUT, you are hereby commanded to make due and legal service of the Application for Return of Tax Sale Proceeds Under Connecticut General Statutes § 12-157(i)(2), and of the Order for Hearing and Notice Upon the Following parties, and summon them to appear before the Superior Court for the Judicial District of \_\_\_\_\_ at [ADDRESS] in \_\_\_\_\_, Connecticut if they wish to be heard thereon:

[NAME AND PHYSICAL ADDRESS OF EVERY OWNER, LIENHOLDER, AND OTHER ENCUMBRANCER, **BUT NOT** THE MUNICIPALITY OR BIDDER]

Hereof fail not, but due service and return make, service to be completed no later than \_\_\_\_\_, 20\_\_.

\_\_\_\_\_  
[ATTORNEY NAME]  
Commissioner of the Superior Court

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	:	

**APPLICATION FOR RETURN OF TAX SALE PROCEEDS**  
**C.G.S. § 12-157(i)(2)**

1. On \_\_\_\_\_, 20\_\_, the [TOWN/CITY/BOROUGH/DISTRICT/WPCA] of \_\_\_\_\_, Connecticut conducted a tax sale by which it auctioned the real estate known as [ADDRESS] in [TOWN], Connecticut for delinquent taxes and/or charges pursuant to Connecticut General Statutes § 12-155, et seq. [IF FOR ANY DEBT OTHER THAN TOWN TAXES: [FOR DISTRICTS: and § 7-328] [FOR SEWER ASSESSMENTS: and § 7-254(b)] [FOR SEWER USAGE: and § 7-258(a)]. The sale realized proceeds in excess of the amount needed to pay all delinquent taxes, charges, interest, penalties, fees, and costs due to the municipality conducting the auction.

2. The real estate was not redeemed by the statutory deadline. Therefore, the tax collector recorded a deed in favor of the winning bidder pursuant to Connecticut General Statutes § 12-157(f) on \_\_\_\_\_, 20\_\_ and deposited the excess proceeds with the Clerk of this Court pursuant to Connecticut General Statutes § 12-157(i)(1) on \_\_\_\_\_, 20\_\_.

3. The tax sale was conducted properly and in accordance with applicable law by the said municipality, and has validly resulted in the deposit of the said proceeds with this Court, and this Court has jurisdiction to distribute such proceeds at this time, all pursuant to Connecticut General Statutes § 12-157.

4. The undersigned applicant claims an interest in the deposited proceeds [CHOOSE ONE: as its former owner pursuant to a deed dated \_\_\_\_\_, 20\_\_] [pursuant to a mortgage dated \_\_\_\_\_, 20\_\_] [pursuant to a judgment lien dated \_\_\_\_\_, 20\_\_] [OR OTHER] recorded at Volume \_\_\_ Page \_\_\_ of the [TOWN] land records, a copy of which is attached.

5. The undersigned applicant's interest in the deposited proceeds is **prior and superior** in right to the following:

(a) \_\_\_\_\_ may claim an interest in the deposited proceeds [CHOOSE ONE: as its former owner pursuant to a deed dated \_\_\_\_\_, 20\_\_] [pursuant to a mortgage dated \_\_\_\_\_, 20\_\_] [pursuant to a judgment lien dated \_\_\_\_\_, 20\_\_] [OR OTHER] recorded at Volume \_\_\_ Page \_\_\_ of the [TOWN] land records.

[REPEAT THIS SUBSECTION FOR ADDITIONAL PARTIES]

6. The undersigned applicant's interest in the deposited proceeds is **equal** in right to the following:

(a) \_\_\_\_\_ may claim an interest in the deposited proceeds [CHOOSE ONE: as its former owner pursuant to a deed dated \_\_\_\_\_, 20\_\_] [pursuant to a

mortgage dated \_\_\_\_\_ \_\_, 20\_\_] [pursuant to a judgment lien dated \_\_\_\_\_ \_\_, 20\_\_] [OR OTHER] recorded at Volume \_\_\_ Page \_\_\_ of the [TOWN] land records.

[REPEAT THIS PARAGRAPH FOR ADDITIONAL PARTIES]

7. The undersigned applicant's interest in the deposited proceeds is **junior and subsequent** in right to the following:

(a) \_\_\_\_\_ may claim an interest in the deposited proceeds [CHOOSE ONE: as its former owner pursuant to a deed dated \_\_\_\_\_ \_\_, 20\_\_] [pursuant to a mortgage dated \_\_\_\_\_ \_\_, 20\_\_] [pursuant to a judgment lien dated \_\_\_\_\_ \_\_, 20\_\_] [OR OTHER] recorded at Volume \_\_\_ Page \_\_\_ of the [TOWN] land records.

[REPEAT THIS PARAGRAPH FOR ADDITIONAL PARTIES]

8. The undersigned hereby applies for return of the deposited proceeds pursuant to Connecticut General Statutes § 12-157(i)(2) in accordance with the proposed Order attached hereto.

9. [CHOOSE ONE: The undersigned has commenced this action by serving a Summons and copies of this Application and the attached Affidavit and proposed Order upon all of the above-named claimants in the same manner as to commence a civil action.] [This action already having been previously commenced by \_\_\_\_\_, the undersigned has served or will serve copies of this Application and the attached Affidavit and proposed Order upon all of the

above-named claimants by first-class mail at the addresses listed in the certification page attached hereto].

THE APPLICANT

By: \_\_\_\_\_  
[NAME AND ADDRESS OF ATTORNEY OR  
UNREPRESENTED APPLICANT]

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 VS. :  
 :  
 [NAME OF ALL OTHER OWNERS, : \_\_\_\_\_, 20\_\_  
 LIENHOLDERS, AND ENCUMBRANCERS :  
 BUT NOT THE MUNICIPALITY OR BIDDER] :

**AFFIDAVIT FOR RETURN OF TAX SALE PROCEEDS**  
**C.G.S. § 12-157(i)(2)**

I, the undersigned, being duly sworn, hereby state:

1. I am over the age of eighteen years, believe in the obligations of an oath or affirmation, and make this statement upon my personal knowledge and/or records made and kept in the ordinary course of business by employees with knowledge and the duty to do so.
2. I am [NAME] of [ADDRESS] and make this claim in support of [my application] [the application of \_\_\_\_\_] for excess tax sale proceeds pursuant to Connecticut General Statutes § 12-157(i)(2).
3. [EXPLAIN THE NATURE OF YOUR CLAIM, HOW YOUR DEBT IS CALCULATED INCLUDING ANY INTEREST AND FEES, AND WHY YOU HAVE PRIORITY WHICH IS SUPERIOR, EQUAL, AND/OR JUNIOR TO EACH OTHER OWNER, LIENHOLDER, AND ENCUMBRANCER]
4. Attached hereto is a true and correct copy of the [DEED, MORTGAGE, LIEN, OR OTHER] recorded at Volume \_\_\_ Page \_\_\_ of the \_\_\_\_\_ land records upon which this application is based.
5. I am aware of no setoffs or counterclaims to the debt as stated above.

\_\_\_\_\_  
 [NAME]  
 [ADDRESS]

STATE OF CONNECTICUT            )  
   ) ss: \_\_\_\_\_, 20\_\_

COUNTY OF \_\_\_\_\_ )

Personally appeared the above-named person, signer and sealer of the foregoing instrument, and acknowledged the same to be his or her free act and deed, and acknowledged that she executed the same for the purposes therein contained.

\_\_\_\_\_  
Commissioner of the Superior Court / Notary Public

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**PROPOSED ORDER FOR RETURN OF TAX SALE PROCEEDS**  
**C.G.S. § 12-157(i)(2)**

WHEREAS, this matter was commenced \_\_\_\_\_, 20\_\_ by summons and application for the return of excess proceeds resulting from a tax sale conducted by the [TOWN/CITY/BOROUGH/DISTRICT/WPCA] of real estate known as [ADDRESS] in [TOWN], Connecticut for delinquent taxes and/or charges pursuant to Connecticut General Statutes § 12-155, et seq. [IF FOR ANY DEBT OTHER THAN TAXES:] [FOR DISTRICTS: and § 7-328] [FOR SEWER ASSESSMENTS: and § 7-254(b)] [FOR SEWER USAGE: and § 7-258(a)]; and

WHEREAS, the Court conducted a hearing thereon on \_\_\_\_\_, 20\_\_ of which all interested parties were given notice and the opportunity to be heard;

NOW, THEREFORE, the foregoing having been duly heard, it is hereby ORDERED, ADJUDGED, and DECREED that:

(1) The tax sale was conducted properly and in accordance with applicable law by the said municipality, and has validly resulted in the deposit of the said proceeds with this Court, and this Court has jurisdiction to distribute such proceeds at this time, all pursuant to Connecticut General Statutes § 12-157.

(2) Pursuant to Connecticut General Statutes § 12-157(i)(2), the Court finds that the order of priorities of and amounts to be paid shall be as follows:

- (a) \$\_\_\_\_\_ to [NAME] of [ADDRESS] by virtue of \_\_\_\_\_;
- (b) \$\_\_\_\_\_ to [NAME] of [ADDRESS] by virtue of \_\_\_\_\_;



(c) \$ \_\_\_\_\_ to [NAME] of [ADDRESS] by virtue of \_\_\_\_\_;

(d) \$ \_\_\_\_\_ to [NAME] of [ADDRESS] by virtue of \_\_\_\_\_; and

(e) \$ \_\_\_\_\_ to [NAME] of [ADDRESS] by virtue of \_\_\_\_\_.

(3) The Clerk is hereby ordered to disburse the deposited proceeds in accordance with the foregoing on \_\_\_\_\_, 20\_\_.

(4) The claims of the following applicants, if any, are disallowed for the following reasons: \_\_\_\_\_  
\_\_\_\_\_.

BY THE COURT

\_\_\_\_\_  
( \_\_\_\_\_, J.) \_\_\_\_\_ date

**CERTIFICATION**

I hereby certify that a copy of the foregoing was or will be sent by first-class mail on this date to all counsel and pro se parties who have appeared in this action, as follows:

[NAME/ADDRESS OF ATTORNEY]  
For [REPRESENTED PARTY]

[NAME/ADDRESS OF PRO SE PARTY]

[NAME/ADDRESS OF ATTORNEY]  
For [REPRESENTED PARTY]

[NAME/ADDRESS OF PRO SE PARTY]

[NAME/ADDRESS OF ATTORNEY]  
For [REPRESENTED PARTY]

[NAME/ADDRESS OF PRO SE PARTY]

\_\_\_\_\_  
[NAME OF ATTORNEY OR PRO SE PARTY]