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GENERAL LETTER 2008-1

DATE: April 7, 2008

TO: Connecticut Town Clerks

FROM: Eunice G. DiBella, CRM
Public Records Administrator

A handwritten signature in cursive script that reads "Eunice G. DiBella".

SUBJECT: Public Access to Electronic Indexing Systems Mandated by the General Assembly

On January 2, 2008, this office issued a memo regarding public access to electronic indexing systems as mandated by the 2007 session of the Connecticut General Assembly pursuant to *Public Act 07-252*. Since issuing this memo, several questions have been raised concerning the implementation of this act as it affects the maintenance of the land record index and the retroactive conversion of the manual index to an electronic format. This General Letter attempts to clarify these questions.

Several sections of *PA 07-252* affect the way that indices to the land records are maintained and made available to the public. Section 51 eliminates the requirement for a manual notation of release if the town clerk provides public access to an electronic indexing system that combines the grantor and the grantee index of the town's land records. Section 56 specifies that "Not later than January 1, 2009, each town shall provide public access to an electronic indexing system that combines the grantor index and the grantee index of the town's land records."

Public Act 07-257 does not mandate a retroactive conversion of a manual index to an electronic format, although doing this is desirable, and funding these projects is an acceptable category under the Historic Documents Preservation Grant Program.

It is important for town clerks to know when their electronic indexing systems began. If the original mortgage, assignment or lien is not included in the electronic indexing system, then it is required that you make a manual notation of the release on the instrument.

In addition, there are four discharges not included in *PA 07-252* that still require a manual marginal notation. The reason is simple – a release would never be found without the notation because each case requires a request to be made to the Town Clerk to stamp such notation. They

are listed below with the page number references found in the Town Clerk's Handbook in the Land Record Documents Section:

- **Page II-8: Discharge after 6 years – CGS Sec. 49-8, 49-13**
This is very rare, sometimes requires a judgment to be recorded in the land records, and upon request of an interested person requires a marginal notation with the wording “Discharged by judgment of Superior Court.”
- **Page II-10: Condominium, Agent for Service – CGS Sec. 47-70a(c)**
This document is recorded in the land records and a marginal notation is made on the original condominium declaration only if the volume and page of such declaration is provided.
- **Page II-13: Discharge by Operation of Law – CGS Sec. 52-327 (Attachments)**
A marginal notation is made upon request to the Town Clerk. This usually comes in the form of a letter from an attorney and is NOT recorded in the land records. Retain the letter in a file created for discharges as a permanent record. The notation should read “Discharged by operation of law.”
- **Page II-17: Discharge by Operation of Law – CGS Sec. 12-174, 12-175 (Tax liens)**
A marginal notation is made upon request to the Town Clerk. This usually comes in the form of a letter from an attorney and is NOT recorded in the land records. Retain the letter in a file created for discharges as a permanent record. The notation should read “Discharged by operation of law.”

Please be advised that there is no change to the requirements that land records and indices be printed in a timely manner, maintained in paper format, and backed up on microfilm, as described in *General Letter 2006-1*.

Any further questions regarding these issues may be addressed to my office.