

**APPLICATION AND EXECUTION FOR EJECTMENT MORTGAGE FORECLOSURE**

JD-CV-30 Rev 1-16  
C.G.S. §§ 49-22, 49-31p; 42 USC 1437f (o)

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

**Instructions to Applicant**

1. Prepare an original and 3 copies; forward the original and 2 copies of this form and any attachments to clerk.
2. After return of signed form from clerk, forward the original and a copy of form and any attachments to a proper officer.

**Instructions to Clerk**

1. Forward original and copy of this form and any attachments to applicant or attorney.
2. Retain copy of signed execution.

**Instructions to Proper Officer**

1. Complete items 3 and 5 at bottom.
2. Make return within 60 days.

Name of case

**US BANK NATIONAL ASSOCIATION v. BARAZORDA, MARTIN Et AI**

|   |  |
|---|--|
| To:<br>Name and mailing address of applicant or attorney<br><b>Eileen C. O' Shaughnessy, Esq,</b><br><b>Marinosci Law Group, P.C.</b><br><b>275 West Natick Road, Suite 500</b><br><b>Warwick, RI 02886</b> | Docket number<br><b>FBT-CV-17-6062995-S</b>    |
|   | Date of judgment<br><b>9/5/2017</b>            |
|   | Date title was transferred<br><b>11/9/2017</b> |
|   | Date lis pendens recorded<br><b>3/2/2017</b>   |

Address of Judicial District Court location (Number, street, town, and zip code)

**1061 Main Street, Bridgeport, CT 06604**

Address of premises (Attach complete legal description of land)

**325 Lafayette Street, Unit 9104, Bridgeport, CT 06604**

Name(s) of person(s) entitled to possession

**U.S. Bank National Association, not in its individual capacity, but solely as Legal Title Trustee for BCAT 2016-18TT**

Name(s) of person(s) in possession

**Martin Barazorda**

Is person in possession a "bona fide tenant" as described in section 49-31p(b) of the Connecticut General Statutes?\*

No  Yes

If yes, when was notice to vacate provided to

this person(s)?

(Date)

Does person(s) in possession have a lease?

No  Yes If yes, when does lease end?

(Date)

Does person(s) in possession occupy the premises under a federal or state subsidized tenancy

program (ex., Title VIII)?  No  Yes

If yes, when does tenancy end? (Date). \*See "Notice" on back/page 2 of this form.

Name of applicant

**Eileen C. O' Shaughnessy, Esq.**

Signature of applicant

Date signed

**3/9/18**

**To: Any Proper Officer**

By the authority of the State of Connecticut, you are commanded to cause the said person(s) entitled to possession to have the seizin and peaceable possession of the premises described herein, and to put and eject the said person(s) in possession, out of possession thereof, and to put the person(s) entitled to possession into the peaceable and quiet possession thereof, provided that **no person shall be ejected who is not a party to the action except a transferee or lienor who is bound by the judgment by virtue of a lis pendens.** If said person(s) in possession have not removed all their possessions and personal effects, then you may remove them and deliver them to the place of storage designated by the chief executive officer of the town for such purposes. Prior to removal, you must give the chief executive officer of the town 24 hours notice of the removal, stating the date, time, and

address of the removal as well as a general description, if known, of the types and amount of property to be removed from the land and be delivered to the place of storage. Prior to giving notice to the chief executive officer you must use reasonable efforts to locate and notify the person(s) in possession of the date and time the removal is to take place and the possibility of a sale of their possessions pursuant to General Statute 49-22 and you must provide clear instructions as to how and where such person or person may reclaim any possessions and personnel effects removed and stored, including a telephone number that such person or persons may call to arrange release of such possessions and personal effects.

**Make service and due return within 60 days from the date hereof.**

Signed (Judge, Assistant Clerk)

Date signed

**Notice To Persons In Possession Of Premises Subject To Ejectment**

**Important:** If you are in possession of the premises and you were not named as a party to this foreclosure action, you are not subject to this execution unless you are a transferee or lienor who is bound by the judgment by virtue of a lis pendens.

1. The person(s) entitled to possession have been given the right to possession of these premises by a judgment of the Superior Court. This means that **you must move** out of the premises described on the attachment(s) to this form **by the date given at right.**
2. If you do not move out by that date, this paper, which does not have to be handed to you personally, gives a proper officer the legal right to remove your possessions and personal effects and deliver them to the place of storage designated by the chief executive officer in the town.
3. Your possessions and personal effects will be stored at:
4. If your possessions and personnel effects are removed and stored and you do not reclaim them and the expense of the storage is not paid to the chief executive officer of the town within 15 days, then they may be sold by the town under section 49-22 of the Connecticut General Statutes.
5. If you do not move your possessions and personal effects by: (To be completed by proper officer)

|      |                  |
|------|------------------|
| Date | Time (a.m./p.m.) |
|------|------------------|

You may call:

to reclaim any of those possessions and personal effects and to arrange to have them given back to you.

I will return to remove your possessions and personal effects and store them.

**Notice:**

**Connecticut General Statutes Section 49-31p provides:**

- (a) In the case of any foreclosure on a federally-related mortgage loan or on any dwelling or residential real property that has a return date on or after July 13, 2011, but not later than December 31, 2017, any immediate successor in interest in such property pursuant to the foreclosure shall assume such interest subject to
  - (1) the provision, by such successor in interest, of a notice to vacate to any bona fide tenant not less than 90 days before the effective date of such notice; and
  - (2) the rights of any bona fide tenant, as of the date absolute title vests in such successor in interest
    - (A) under any bona fide lease entered into before such date to occupy the premises until the end of the remaining term of the lease, except that a successor in interest may terminate a lease effective on the date of sale of the unit to a purchaser who will occupy the unit as a primary residence, subject to the receipt by the tenant of the 90-day notice under subdivision (1) of this subsection; or
    - (B) without a lease or with a lease terminable at will under state law, subject to the receipt by the tenant of the 90-day notice under subdivision (1) of this subsection

except that nothing under this section shall affect the requirements for termination of any federally subsidized or state-subsidized tenancy or of any state or local law that provides longer time periods or other additional protections for tenants.
- (b) For purposes of this section, a lease or tenancy shall be considered bona fide only if (1) the mortgagor or the child, spouse, or parent of the mortgagor under the contract is not the tenant, (2) the lease or tenancy was the result of an arms-length transaction, and (3) the lease or tenancy requires the receipt of rent that is not substantially less than fair market rent for the property or the unit's rent is reduced or subsidized due to a federal, state or local subsidy.
- (c) For purposes of this section, the term "federally-related mortgage loan" has the same meaning as in 12 USC 2602(1), the Real Estate Settlement Procedures Act of 1974. For purposes of this section, the date of a notice of foreclosure shall be deemed to be the date on which complete title to a property is transferred to a successor entity or person as a result of an order of a court or pursuant to provisions in a mortgage, deed of trust or security deed.

**Return Of Service**

Then and there, by virtue of the foregoing execution,

|           |           |
|-----------|-----------|
| On (Date) | At (Time) |
|           | ____.M.   |

- I notified the person(s) in possession.
- I used reasonable efforts to locate the person(s) but was unable to notify him/her.

Thereafter I notified the chief executive officer of the town where the premises are situated,

|           |           |
|-----------|-----------|
| On (Date) | At (Time) |
|           | ____.M.   |

that the eviction of the person's(s') possessions and personal effects would take place:

|           |           |
|-----------|-----------|
| On (Date) | At (Time) |
|           | ____.M.   |

and I further advised said chief executive officer, so far as known, of the general description, types and amount of property to be removed from said premises.

And afterwards, the person's(s') possessions

|           |           |
|-----------|-----------|
| On (Date) | At (Time) |
|           | ____.M.   |

- had been removed.
- were removed by me and stored and I put the person(s) in possession of said premises.

|                         |             |
|-------------------------|-------------|
| Signed (Proper Officer) | Date signed |
| Fees                    |             |

**ADA Notice**

The Judicial Branch of the State of Connecticut complies with the Americans with Disabilities Act (ADA). If you need a reasonable accommodation in accordance with the ADA, contact a court clerk or an ADA contact person listed at [www.jud.ct.gov/ADA](http://www.jud.ct.gov/ADA).

SCHEDULE A

All that certain real property situated in the City of Bridgeport, County of Fairfield and State of Connecticut being part of a condominium known as Unit No. 9104, The Loft on Lafayette, together with the appurtenances and the undivided interest in the common elements relating thereto, all as more particularly set forth in the Declaration of Condominium and By-Laws dated November 29, 2004 and recorded November 30, 2004 in Volume 6131 at Page 152 of the Bridgeport Land Records, as amended as referred to herein, and as the same may be further amended from time to time, and in the surveys, plans and exhibits referred to in said Declaration.

Together with and subject to the terms, conditions, agreements, obligations and covenants contained in the Declaration of Condominium and By-Laws as it may be amended or supplemented.

RECEIVED FOR RECORD  
Dec 12, 2017 11:24:00A  
CHARLES D. CLEMENS JR.  
TOWN CLERK  
BRIDGEPORT, CT

RETURN DATE: MARCH 21, 2017

U.S. BANK NATIONAL ASSOCIATION, NOT IN ITS  
INDIVIDUAL CAPACITY, BUT SOLELY AS LEGAL TITLE  
TRUSTEE FOR BCAT 2016-18TT

: SUPERIOR COURT  
: JUDICIAL DISTRICT OF  
: FAIRFIELD

V.

MARTIN BARAZORDA, ET AL.

: AT BRIDGEPORT  
: FEBRUARY 27, 2017

**LIS PENDENS**

Notice is hereby given of the pendency of a civil action between the above-named Plaintiff and against Martin Barazorda and The Lofts On Lafayette Condominium Association, Inc., by Writ dated February 27, 2017, and made returnable to the Superior Court for the Judicial District of Fairfield at Bridgeport on March 21, 2017 which action is brought, inter alia, to foreclose a certain mortgage from the Defendant(s), Martin Barazorda, to Mortgage Electronic Registration Systems, Inc. As Nominee For Countrywide Bank, FSB, which mortgage was dated April 4, 2008 and recorded April 7, 2008 in Volume 7786 at Page 297 of the Bridgeport Land Records. Said Mortgage was assigned to BAC Home Loans Servicing, LP F/K/A Countrywide Home Loans Servicing, LP by virtue of an Assignment of Mortgage dated June 20, 2011 and recorded August 29, 2011 in Volume 8471 at Page 306 of the Bridgeport Land Records. Said Mortgage was thereafter assigned to U.S. Bank National Association, not in its individual capacity, but solely as legal title trustee for BCAT 2016-18TT by virtue of an Assignment of Mortgage dated October 25, 2016 and recorded December 14, 2016 in Volume 9548 at Page 294 of the Bridgeport Land Records.

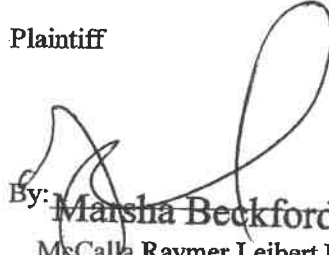
In said action, the following items are claimed:

1. Foreclosure of the Mortgage;
2. Foreclosure of Mortgage pursuant to Conn. Gen. Stat. Sec 49-17;
3. Possession of the Property;
4. A reasonable attorney's fee (unless same has been precluded by virtue of a Bankruptcy filing);
5. Interest (unless same has been precluded by virtue of a Bankruptcy filing);
6. Costs of suit (unless same has been precluded by virtue of a Bankruptcy filing);
7. Deficiency Judgment against the makers of, or obligors on, the Note described herein, and/or their Estate, if deceased (unless same has been precluded by virtue of a Bankruptcy filing);
8. Such other and further relief as the Court may deem just and equitable

The property the plaintiff seeks an interest in and to is located in the Town of Bridgeport, County of Fairfield and State of Connecticut, and is known as 325 Lafayette Street Unit 9104, Bridgeport, CT, and is more particularly bounded and described as set forth in Schedule A attached hereto.

Dated at Hartford, Connecticut on February 27, 2017.

Plaintiff

By:   
Marsha Beckford  
MsCalla Raymer Leibert Pierce, LLC  
50 Weston Street  
Hartford, CT 06120  
860-808-0606  
Its Attorneys  
Juris No. 101589

**SCHEDULE A  
DESCRIPTION**

All that certain real property situated in the City of Bridgeport, County of Fairfield and State of Connecticut being part of a condominium known as Unit No. 9104, The Lofts on Lafayette, together with the appurtenances and the undivided interest in the common elements relating thereto, all as more particularly set forth in the Declaration of Condominium and By-Laws dated November 29, 2004 and recorded November 30, 2004 in Volume 6131 at Page 152 of the Bridgeport Land Records, as amended as referred to herein, and as the same may be further amended from time to time, and in the surveys, plans and exhibits referred to in said Declaration.

Together with and subject to the terms, conditions, agreements, obligations and easements contained in the Declaration of Condominium and By-Laws as it may be amended or supplemented.

RECEIVED FOR RECORD  
Mar 02 2017 11:04:49A  
CHARLES D. CLEMONS JR.  
TOWN CLERK  
BRIDGEPORT, CT