

CONNECTICUT APPELLATE COURT

Speer v. Deutsche Bank National Trust Co.

Speer · No. AC 47748 · Decided June 2, 2026

SUMMARY

The Connecticut Appellate Court held that General Statutes § 47-31 (e), which permits costs to be taxed in favor of a defendant disclaiming an interest in property, does not authorize an award of attorney's fees. The court also upheld the denial of the plaintiff's untimely request to amend her complaint and the denial of her motion to substitute a new defendant. The judgment was reversed in part, the attorney's fee award was vacated, and the judgment was otherwise affirmed.

CASE DETAILS

COURT	Connecticut Appellate Court
WRITING FOR THE COURT	Westbrook, J.; Elgo, J.; Clark, J.
JURISDICTION	Connecticut Appellate Court
DECIDED	June 2, 2026
DOCKET	AC 47748
DISPOSITION	reversed_and_remanded
PROCEDURAL POSTURE	The plaintiff appealed from judgments granting the defendant's motion for judgment and costs, awarding attorney's fees, and denying the plaintiff's motions to amend the complaint and substitute a party defendant.
STANDARD OF REVIEW	The interpretation of General Statutes § 47-31 (e) is reviewed de novo under a plenary standard. Rulings on motions to amend and motions to add or substitute parties are reviewed for clear abuse of discretion.
PRECEDENTIAL VALUE	Published and precedential Connecticut Appellate Court opinion.
PARTIES	Sheri Speer v. Deutsche Bank National Trust Company, Trustee

TOPICS

[quiet title](#) [attorney fees](#) [motion to amend](#) [joinder](#) [appellate procedure](#)

PRACTICE AREAS

[real estate](#) [civil procedure](#) [appellate procedure](#) [statutory interpretation](#) [remedies](#)

QUESTIONS PRESENTED

1. Whether General Statutes § 47-31 (e), which permits discretionary taxation of costs in favor of a disclaiming quiet-title defendant, authorizes an award of reasonable attorney's fees.
2. Whether the trial court abused its discretion by denying the plaintiff's motion for leave to amend the operative complaint.
3. Whether the trial court abused its discretion by denying the plaintiff's motion to substitute Select Portfolio Servicing, Inc. as the defendant.

HOLDINGS

1. General Statutes § 47-31 (e) authorizes reimbursement of ordinary statutory costs and similar taxable items, but does not authorize an award of reasonable attorney's fees to a disclaiming defendant.
2. The trial court did not abuse its discretion by denying the plaintiff's late request to amend the operative complaint to revive an abandoned CUTPA claim.
3. The trial court properly denied the plaintiff's request to substitute Select Portfolio Servicing, Inc. because judgment had already entered on the quiet-title count and no claims remained to be adjudicated.

KEY QUOTATIONS

“Unless “costs” are otherwise defined in a statute to include reasonable attorney’s fees, a statute permitting only a taxation of costs does not authorize an award of attorney’s fees.”

“Construing § 47-31 (e) narrowly as we must and assigning the term “costs” its limited and well-defined legal meaning, we are persuaded that the “costs” the court may award under the statute are limited to ordinary statutory costs and similar items and cannot include an award of attorney’s fees in contravention of the American rule.”

FACTUAL BACKGROUND

The plaintiff owned property at 12 Lee Avenue in New London and sued the defendant, the former assignee of the mortgage and holder of the related promissory note. She alleged that the defendant had treated the debt as forgiven for tax purposes without releasing the mortgage, had ceased making escrow tax payments, and had left the mortgage unreleased. The defendant had recorded a release of the mortgage in June 2019, before the plaintiff commenced the action, and answered the quiet-title complaint by disclaiming any interest in the property.

PROCEDURAL HISTORY

Speer brought a three-count action in the Superior Court seeking to quiet title and asserting FDCPA and CUTPA claims. The court struck the FDCPA count, and Speer filed a revised complaint containing only the quiet-title count. After the defendant disclaimed any interest in the property, the trial court entered judgment under General Statutes § 47-31 (e), denied leave to amend, later entered judgment on the previously stricken FDCPA count, awarded \$8,377.23 in attorney's fees, and denied Speer's motion to substitute Select Portfolio Servicing, Inc. The Appellate Court vacated the attorney-fee award, affirmed the judgment in all other respects, and remanded with direction to deny the motion for attorney's fees.

DISPOSITION

reversed_and_remanded

REMAND INSTRUCTIONS

The case is remanded with direction to deny the defendant's motion for attorney's fees. The judgment is affirmed in all other respects, and the \$8,377.23 attorney-fee award is vacated.

CASES CITED

- *ACMAT Corp. v. Greater New York Mutual Ins. Co.*, 282 Conn. 576, 582, 923 A.2d 697 (2007)
- *Traystman, Coric & Keramidas, P.C. v. Daigle*, 282 Conn. 418, 429, 922 A.2d 1056 (2007)
- *Pryor v. Brignole*, 231 Conn. App. 659, 670-71, 333 A.3d 1112 (2025)
- *Patino v. Birken Mfg. Co.*, 304 Conn. 679, 689, 41 A.3d 1013 (2012)
- *Thunelius v. Posacki*, 193 Conn. App. 666, 680, 220 A.3d 194 (2019)
- *Fennelly v. Norton*, 294 Conn. 484, 504, 985 A.2d 1026 (2010)
- *Paniccia v. Success Village Apartments, Inc.*, 235 Conn. App. 608, 622, 346 A.3d 517 (2025), cert. granted, 354 Conn. 902, 349 A.3d 20 (2026)
- *Yeager v. Alvarez*, 134 Conn. App. 112, 120, 38 A.3d 1224 (2012)
- *Fengler v. Northwest Connecticut Homes, Inc.*, 215 Conn. 286, 289, 575 A.2d 286 (1990)
- *Rodriguez v. Hartford*, 224 Conn. App. 314, 325, 312 A.3d 85, cert. denied, 349 Conn. 907, 313 A.3d 512 (2024)
- *Wendover Financial Services Corp. v. Connelly*, 61 Conn. App. 244, 247, 763 A.2d 670 (2000)
- *Howard-Arnold, Inc. v. T.N.T. Realty, Inc.*, 145 Conn. App. 696, 717 n.10, 77 A.3d 165 (2013), aff'd, 315 Conn. 596, 109 A.3d 473 (2015)
- *In re David B.*, 167 Conn. App. 428, 441, 142 A.3d 1277 (2016)
- *Youngman v. Schiavone*, 157 Conn. App. 55, 63, 115 A.3d 516 (2015)
- *J.E. Robert Co. v. Signature Properties, LLC*, 309 Conn. 307, 313 n.4, 71 A.3d 492 (2013)