

SUPREME COURT OF CONNECTICUT

Deutsche Bank National Trust Co. v. Angle, 284 Conn. 322

933 A.2d 1143 (2007) · No. No. 17657 · Decided November 13, 2007

SUMMARY

The Supreme Court of Connecticut affirmed a foreclosure judgment because the defendant failed to provide an adequate record for review of his claims concerning the Homeowner Protection Act and a related banking regulation. The trial court had denied the defendant's application to restructure the mortgage debt without stating its reasons, and the defendant did not obtain an articulation clarifying the basis for that ruling.

CASE DETAILS

COURT	Supreme Court of Connecticut
WRITING FOR THE COURT	Rogers, C.J.; Norcott, J.; Katz, J.; Palmer, J.; Vertefeuille, J.
JURISDICTION	Connecticut
DECIDED	November 13, 2007
DOCKET	No. 17657
DISPOSITION	affirmed
PROCEDURAL POSTURE	The defendant appealed from a foreclosure-by-sale judgment after the trial court denied his application for protection from foreclosure and refused to restructure the mortgage debt. The Supreme Court of Connecticut reviewed the appeal after transferring it from the Appellate Court.
STANDARD OF REVIEW	Foreclosure is an equitable proceeding, and the trial court's determination of what equity requires is reviewed for abuse of discretion. The appellate court presumes the correctness of the trial court's action and asks whether the court correctly applied the law and could reasonably have reached its conclusion.
PRECEDENTIAL VALUE	Published Connecticut Supreme Court opinion; precedential.
PARTIES	Christopher Todd Angle v. Deutsche Bank National Trust Company

TOPICS

foreclosure

appellate procedure

standard of review

real estate

civil procedure

PRACTICE AREAS

Real estate law

Foreclosure

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Remedies

QUESTIONS PRESENTED

1. Whether the trial court improperly relied on § 49-31j-4 of the Regulations of Connecticut State Agencies in denying Angle's application for protection from foreclosure.
2. Whether § 49-31j-4 exceeded the banking commissioner's statutory authority under General Statutes § 49-31j.
3. Whether § 49-31j-4 violated the separation of powers doctrine by limiting the trial court's discretion over foreclosure proceedings.

HOLDINGS

1. The court declined to review the defendant's claims because the appellate record was inadequate: the trial court gave no reason for denying the application, so the Supreme Court could not determine whether the challenged regulation was relied upon or whether the denial rested on another ground.
2. A foreclosure court's determination of what equity requires is reviewed for abuse of discretion, with every reasonable presumption made in favor of the correctness of the trial court's action.

KEY QUOTATIONS

"Our role is not to guess at possibilities, but to review claims based on a complete factual record developed by a trial court." (1146)

"In light of the inadequate record before us, we cannot review the defendant's claims." (1147)

FACTUAL BACKGROUND

Deutsche Bank sought to foreclose a mortgage on residential real property owned by Christopher Todd Angle. Angle claimed to be underemployed and applied for protection from foreclosure under Connecticut's Homeowner Protection Act, while Deutsche Bank objected and argued that he was either ineligible or should be denied relief because refinancing and other alternatives were available. After hearings, the trial court denied the application without explaining whether it relied on the challenged regulation, Angle's alleged ineligibility, or another ground.

PROCEDURAL HISTORY

Deutsche Bank commenced a mortgage foreclosure action against Angle. Angle applied for protection under Connecticut's Homeowner Protection Act, and the trial court held hearings before denying the application without stating the basis for its decision. Angle's initial appeal was dismissed because no final foreclosure judgment had yet been entered. After the trial court rendered a foreclosure-by-sale judgment, the appeal followed; the Supreme Court affirmed because the record did not disclose the reason for the denial and therefore was inadequate for appellate review.

DISPOSITION

affirmed

CASES CITED

- Federal Deposit Ins. Corp. v. Owen, 88 Conn. App. 806, 811-12, 873 A.2d 1003, cert. denied, 275 Conn. 902, 882 A.2d 670 (2005)
- Ridgefield Bank v. Stones Trail, LLC, 95 Conn. App. 279, 282-83, 898 A.2d 816, cert. denied, 279 Conn. 910, 902 A.2d 1069 (2006)
- Stutz v. Shepard, 279 Conn. 115, 125-26, 901 A.2d 33 (2006)
- Desrosiers v. Henne, 283 Conn. 361, 366, 926 A.2d 1024 (2007)
- State v. Talton, 63 Conn. App. 851, 861, 779 A.2d 166, cert. denied, 258 Conn. 907, 782 A.2d 1250 (2001)
- State v. Dalzell, 282 Conn. 709, 720, 924 A.2d 809 (2007)
- Stone-Krete Construction, Inc. v. Eder, 280 Conn. 672, 685-86, 911 A.2d 300 (2006)

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