

Bank Executions/Levys - Questions and Answers

Q: I just checked my bank account and it looks like money was taken out of it. The bank told me to call your office. How is this legal?

A: Pursuant to Connecticut General Statute (“CGS”) Sec 12-162, a Tax Collector may issue a tax/alias tax warrant/execution to seize money in an account at any financial institution. We first must demand payment from you pursuant to CGS Sec 12-155. This can be included on a delinquent statement or send a separate demand notice. This authorizes us to proceed in the law with further enforced collections, including wage garnishments; levy upon, seize and sell any real estate, goods and chattels (including motor vehicles) owned by the taxpayer; seize any funds in any financial institution; or utilize a collection agency.

Per CGS Sec 12-164 as well, we have to collect on taxes for 15 years. Therefore, if you had not paid a tax within this time period, we have to try to collect the money owed. If you think you do not owe the tax, you will need to contact the Assessor’s office and provide them proof per their statute requirements.

Q: How did you know where I bank?

A: Pursuant to CGS Sec 12-162, a Tax Collector may perform account inquires at financial institutions. The term financial institution includes more than just banks; the term also covers, among other entities, credit unions and investment banking firms such as TD Ameritrade and Schwab.

If the Tax Collector expects to serve a financial institution with more than fifteen warrants/executions on a given day, she or the serving officer must first do an account inquiry; thus, knowing that there is an account at the financial institution to be served. The Tax Collector will email account inquiry requests to the contact information designated by each financial institution.

Q: What is the process of this execution?

A: Once the Tax Collector’s office knows where an individual taxpayer banks, the Tax Collector’s office then prepares the Tax/Alias Tax Warrant along with the proper paperwork for the bank on each taxpayer.

Once a warrant/execution has been served on the taxpayer’s bank account, the funds the tax office has requested for payment of delinquent taxes are ‘frozen’ in the bank account. These moneys are not dispersed to the tax office until the statutory time period has passed allowing the taxpayer to claim an exemption with the court. This process takes about 4-6

weeks if a claim is **NOT** filed. Any additional deposits made into the taxpayer's bank account cannot be attached onto the existing tax/alias tax warrant issued.

Q: Can I stop this warrant/execution? How do I get my funds released?

A: Once this process has started the only way to stop the warrant/execution is to pay your delinquent taxes in full to our office. We accept cash for an immediate release of the warrant / execution or a credit/debit card payment via our online payment portal on our Town website for a release in 3-5 days. Payment via any kind of a check or an electronic check will be a ten-business day wait. Once this is paid in full and cleared by our office, we will send notification over to your bank releasing the 'frozen' funds. All banks operate a little differently. Some will release the funds immediately and some will take a few business days. Please inquire with your bank as to their specific policies and procedures.

Unfortunately, if you don't pay the delinquent taxes in full, you will have to allow the warrant/execution process to proceed. These moneys are not dispersed to the tax office until the statutory time period has passed allowing the taxpayer to claim an exemption with the court. This process takes about 4-6 weeks if a claim is **NOT** filed. Once the tax office receives the funds from the bank, we will send you a balance due bill if any exists.

Q: Can you serve a warrant/execution at another bank account of mine right now?

A: With regard to warrants/executions being served upon financial institutions, a tax collector or serving officer cannot serve tax/alias tax warrants relating to one taxpayer on more than one financial institution at a time, including copies thereof, and after service on one financial institution, shall not serve the same tax/alias tax warrants or copies thereof upon another financial institution until receiving confirmation from the preceding financial institution that the taxpayer had no funds at the preceding financial institution available for collection. If the collector of taxes or serving officer does not receive, not later than twenty days after the service of the warrant/execution a response from the financial institution that was served indicating whether or not the taxpayer has funds at the financial institution available for collection, the collector of taxes or serving officer may assume that the taxpayer has no funds at that financial institution available for collection and may serve another financial institution in accordance with this subsection.

Q: What are the fees charged? Why are there two fees? Can I get the fees waived?

A: An eight-dollar bank fee is attached to this process as required by state statute and is payable to the financial institution from the taxpayer's bank account funds. For service of an Alias Tax Warrant, the Tax Collector receives a six-dollar fee. The Tax Collector may charge any other additional fees per Connecticut State Statute Sec. 12-140.

An additional bank service fee may also be charged to the taxpayer which is a bank fee only and has nothing to do with the tax office. Some banks charge and some do not. Any dispute of this bank service fee must be handled between the taxpayer and his/her bank management.

Q: If I deposit more money or my direct deposit goes into the bank, can you take more money?

A: No. Per CGS, we can only seize the funds in your account on the day we serve the warrant/execution. You can use your checking or savings account as you need it. The only pending money 'frozen' is the amount we are requesting for payment on your delinquent taxes.

Q: I am on a fixed income. How do I fight this procedure?

A: Per the statutes, you can claim an exemption if the funds in your bank account fall under the federal guidelines. The Exemption Claim Form must be appended to the service on the financial institution. The Exemption Claim Form is not sent to the taxpayer directly from the tax office. It is the financial institution's responsibility to inform its depositor that funds have been 'frozen' under the served warrant/execution and to provide the depositor with the Exemption Claim Form.

The money in your account(s) may be protected from the warrant/execution process by state statutes or by other laws or regulations of this state or of the United States. If you wish to claim that the money in your account(s) is exempt by law from warrant/execution, a taxpayer must fill out and sign before a proper official the Affidavit of Claim of Exemption and mail or deliver this exemption claim form to their **financial institution**. This form must be received by the financial institution no later than 15 days from the DATE OF MAILING TO THE JUDGMENT DEBTOR. Upon receipt of this form the financial institution will forward it to the Superior Court and the court clerk will notify the taxpayer and the judgment creditor of the date on which a hearing will be held by the court to determine the issues raised by your claim. The Affidavit of Claim of Exemption has detailed information as to what moneys are exempt. Courts strictly follow the exemption statutes. If the claim is not based on a statutory exemption, the Court will rule in favor of the Tax Collector.

If an Exemption Claim Form is filed with the courts, all funds seized will be held by the financial institution for (1) forty-five days from the date the Exemption Claim Form was received by the financial institution; or (2) until disposition is ordered by the court at a hearing to be held at short calendar on the date set by a Court, whichever occurs earlier. After this waiting period, the funds will be delivered as directed on the financial institution cover letter.

Q: What happens if the tax office doesn't receive all of my taxes due?

A: If the tax office only receives a portion of the taxes due from the bank warrant/execution process, you will still owe the balance due. Please call the office, 860-963-6800, to inquire about payment and the timeline of further enforced proceedings.