

# **Bond Case Briefs**

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## **LIENS - CONNECTICUT**

### **Metropolitan District Commission v. Marriott International, Inc.**

**Appellate Court of Connecticut - October 25, 2022 - A.3d - 216 Conn.App. 154 - 2022 WL 13683532**

Municipal water-control authority brought civil action for breach of contract and unjust enrichment against hotel and state, seeking to recoup authority's costs related to sewer improvements. Meanwhile, authority brought separate administrative proceeding in which a sewer-benefit assessment was imposed on hotel's property.

In civil action, the Superior Court granted state's motion to dismiss and granted summary judgment to hotel and, in postjudgment proceedings, denied hotel's motion to hold authority in contempt but granted hotel's application to discharge lien that authority had filed to enforce an unpaid and unchallenged sewer-benefit assessment made in the administrative proceeding. Authority appealed the order discharging the lien.

The Appellate Court, held that:

- Trial court lacked subject-matter jurisdiction over hotel's motion to discharge lien, and
- Statute allowing a party to seek discharge of a lien on real property did not provide trial court authority to discharge lien.

Trial court lacked subject-matter jurisdiction in breach-of-contract action between municipal water-control authority and hotel over hotel's motion to discharge sewer-benefit-assessment lien that authority had obtained to enforce assessment that had been imposed on hotel's property in separate administrative proceeding; hotel's exclusive remedy to challenge lien was to appeal the assessment in the administrative proceeding within the appeal period, something hotel had not done.

Statute allowing a party to seek discharge of a lien on real property did not provide trial court authority, in breach-of-contract action between municipal water-control authority and hotel, to discharge sewer-benefit-assessment lien that authority had obtained to enforce assessment that had been imposed on hotel's property in separate administrative proceeding, where court made no finding that hotel had complied with all necessary statutory notice requirements, nor did court make any finding that authority's lien was legally invalid.