

WARNING:

REMOVING JUDGMENT LIENS ON HOMES

IF YOU OWN A HOME
and
IF YOU HAVE HAD A COURT CASE IN THE PAST 10 YEARS

While filing a bankruptcy does get rid of a debt that you may own, it **DOES NOT** get rid of any Judgment Liens that may have been placed against your property. If a creditor has taken you to court and obtained a judgment, they MAY have also filed a "Judgment Lien" against the property. If so, we MAY be able to file a special motion with the Bankruptcy Court to remove that lien from your "homestead" residence ... if you own a homestead at the time of filing.

BUT WE NEED TO KNOW IF THE LIEN EXISTS
And
WE NEED TO FILE A SPECIAL "MOTION TO AVOID" THAT LIEN.

If this special motion is not filed, the lien WILL NOT go away and the judgment will have to be paid if you ever refinance or sell your property.

The easiest way for you to find out if a Judgment Lien has been filed is obtain an Owner's & Encumbrance Report (O&E) from a Title Company. We have an arrangement to get these reports done at a cost of only \$25 to you. As an alternative, you may wish to go down to the Clerk and Recorder's office in the County in which your residence is situated and check their records to see if there are any Judgment Liens in the name of ANY of the owners on title to the property. If there are any liens, you should get a copy of the lien and bring it into this office.

If a lien exists, we will analyze whether the lien can be "avoided" (removed) and file a Motion with the Bankruptcy to get an order removing the lien. Whether or not a lien can be avoided depends on whether or not you have more than \$60,000 in equity in your homestead residence (\$90,000 if the owner is over 60 years of age). This is also known as your "homestead" exemption. If you have more equity than this, the lien may not be avoided. **Filing this motion is additional work** and we charge an additional \$400.00 (for each lien) to get this filed. **WE CANNOT AVOID A LIEN ON ANY REAL ESTATE THAT IS NOT CURRENTLY OCCUPIED BY YOU AS YOUR RESIDENCE. IN ADDITION, IF YOU HAVE NO RESIDENCE, WE CANNOT GET RID OF THE LIEN, BUT THEN THE LIEN WILL MAGICALLY ATTACH TO ANY PROPERTY YOU PURCHASE LATER IN THE COUNTY OVER THE NEXT 10 YEARS!**

Lien Records Check	\$25 (or do it yourself)
Motion to Avoid Lien	\$400 (per lien) per Fee Agreement

NOTE: Since we rely on your efforts to check or to search for the existence of judgment liens and since, even if we do the search for you, we will be relying on the records of the Clerk and Recorder' Office, we cannot guarantee that all liens will be discovered. **YOU AGREE AND UNDERSTAND THAT WE CANNOT BE LIABLE OR RESPONSIBLE FOR ANY LIENS THAT ARE NOT DISCLOSED TO US, THAT CANNOT BE AVOIDED, OR IF YOU ELECT NOT TO HAVE THE ADDITIONAL WORK DONE TO HAVE THE LIEN AVOIDED.**