

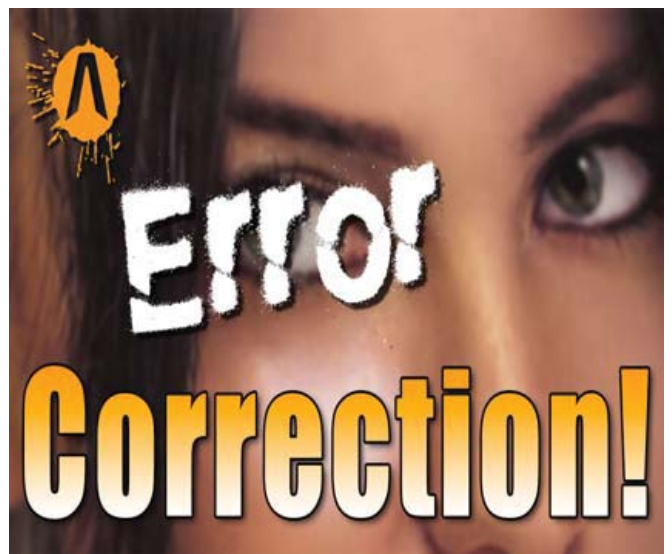
# Practical Advice for Cleaning Up Title Issues

Examples of Problems and Possible Solutions

1

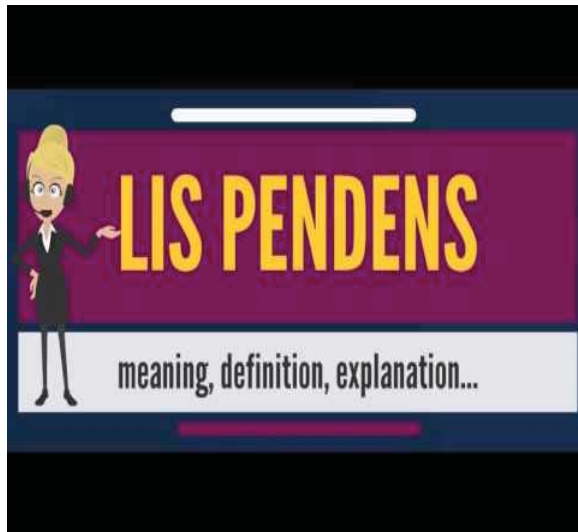
## Correction Instruments

- Myrad Properties case
- Property Code §5.027-5.031
- Applies to conveyances
- Material or Non-Material?
- Non-Material- a person with knowledge can file a correction affidavit
- Material- all of the parties need to sign off on it



2

# Lis Pendens



- It's a Notice, not a lien (see next slide!)
- Parties on notice of the pending lawsuit take subject to the ruling in the suit
- The suit must seek and interest in the property, title to the property, or enforcement of an encumbrance on the property.
- No lis pendens without a pending suit

3

## Lis Pendens Liens

**Lis Pendens Liens**

While a lis pendens lien may not fully prevent a property from being bought or sold, it makes it very difficult to complete a successful real estate transaction on a timely basis. Whether you want to file a lawsuit regarding a title or you want to clear a lis pendens lien to facilitate a purchase or sale, an experienced lawyer can help you protect your property rights.

At the law offices of Bennett, Weston, LaJone & Turner, our Dallas lis pendens lien attorneys can help you address any real estate title and litigation concerns. With 9 lawyers having more than 30 years of business and real estate law experience, we understand how to clear up title disputes and we have the resources to protect our clients in court. Contact

### How can we help?

Email

Phone

I need legal help with:

City, State\*

Message

**SUBMIT**

Privacy Policy  
For your protection, do not send case details you want to remain confidential through this contact form.

**Filing or Defending Against a Lis Pendens Lien**

When someone wants to file a lawsuit regarding a piece of real estate or a real estate title, the first step is to file a lis pendens lien with the local real estate records office. This serves as a notice to other parties with an interest in the property, including potential buyers, lessors or investors. A lis pendens lien will make it very difficult to close any real estate transactions. We represent Texas businesses that need to:

- 1- **File a lis pendens lien:** If you are going to file a lawsuit on a piece of property, filing the lien may safeguard against any title transfers before your dispute is resolved.
- 1- **Expunge a lis pendens lien:** If a lien has been placed against your property, we can take steps on your behalf and have it expunged.

**Real Estate Litigation and Lis Pendens**

Whether you have filed a lis pendens lien or one has been placed against property you own, a lawsuit will follow. With an extensive real estate litigation practice, we can protect your rights from the moment the lien is followed all the way to court.

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4

# Expunging the Lis Pendens

- §12.007-Texas Property Code
- Apply to the Court
- File evidence, declarations, Motion to Expunge
- Court may permit testimony
- Court may make such orders as it deems just



5

# Expunging the Lis Pendens



- Court will order the Lis pendens expunged if:
  - Pleading of case does not contain a real property claim
  - Claimant fails to establish probability of property claim
  - Person who filed notice did not serve copy on other party as required

6

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## Title search: Practical Advice for Cleaning Up Title Issues

Also available as part of the eCourse

[Answer Bar: The Ins and Outs of Commercial Real Estate Loans and Title Insurance](#)

First appeared as part of the conference materials for the  
52<sup>nd</sup> Annual William W. Gibson, Jr. Mortgage Lending and Servicing Institute session  
"Practical Advice for Cleaning Up Title Issues"