

## INVOLUNTARY LIENS

CESP	CAEP	Topic/Issue
X	X	<b>DEFINITION OF LIEN</b>
X	X	A claim or charge on the property of an individual to provide security for the payment of a debt, obligation, or duty.
X	X	<b>TYPES OF LIENS</b>
X	X	Voluntary – Definition of voluntary versus involuntary
X	X	Involuntary
X	X	○ Affecting Specific Property
X	X	Mechanic's Lien Claim for Unpaid Work or Materials
X	X	Lien for Ad Valorem Taxes
X	X	Municipal and County Liens
X	X	○ Affecting Specific Person/Entity – Attaching to Land They Own
X	X	Judgment Lien – Abstract of Judgment
X	X	Federal Tax Lien
X	X	State Tax Lien
X	X	Child Support Lien
X	X	Other Less Common Statutory Liens
X	X	<b>Statute of Limitations</b>
	X	What is the limitations period for each type of involuntary lien?
	X	For each type of involuntary lien, can the lien be renewed to extend the period of validity?
X	X	<b>JUDGMENT LIEN- ABSTRACT OF JUDGEMENT</b>
X	X	Definition
X	X	A Judgment becomes a lien on real property when
X	X	○ Certified Abstract of the Judgment – required elements or contents of the Abstract
X	X	○ Recorded and indexed in county where property is located
X	X	Indexed by name of Defendant (Debtor) and Plaintiff
X	X	May be recorded in more than one county
X	X	○ The judgment attaches to the debtor's property, both that owned at the time of recording and property acquired after recording.
X	X	Rights of the Judgment Creditor in regard to real property
X	X	○ Writ of execution issued
X	X	○ Property posted for sale (Only Creditor is notified, not current owner of the property)
X	X	○ Sheriff's / Constable's Sale of the property

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X	X	Duration
X	X	○ Abstract of Judgment in favor of the U.S. Government or government agencies – 20 years
X	X	○ Abstract of Judgment in favor of the State of Texas or State agency – 20 years
X	X	○ Abstract of Judgment – all others – 10 years
X	X	Curative Issues
X	X	○ Verification that owner is not the same as debtor and Affidavit of Identity
X	X	○ Release or Partial Release from Creditor
X	X	Homestead
X	X	Bankruptcy (see separate topic)
X	X	○ Absent Creditor – court procedure for payment
X	X	<b>Federal Tax Lien</b>
X	X	What is a Federal Tax Lien?
X	X	What does it take for a Federal Tax Lien to become a lien on real property?
	X	○ Recorded and indexed in county where property is located
	X	How is the Federal Tax Lien indexed?
	X	Can the Federal Tax Lien be recorded in more than one county?
X	X	○ The Federal Tax Lien becomes a lien on the taxpayer's property, both that owned at the time of recording and property acquired after recording.
X	X	What does the IRS have the right to do in regard to real property?
	X	○ Seize the property and sell it to recover the unpaid taxes
	X	○ Who is notified about this sale? – only the taxpayer, not the current owner of the property
X	X	For how long does Federal Tax Lien affect the property?
		Curative Issues
X	X	○ Verification that owner is not the same as debtor and Affidavit of Identity
X	X	○ Release or Partial Release from IRS
X	X	Homestead
X	X	Bankruptcy (see separate topic)
X	X	IRS Repayment Agreement
X	X	<b>State Tax Lien</b>
X	X	What is a State Tax Lien?
X	X	What does it take for a State Tax Lien to become a lien on real property?
	X	○ Recorded and indexed in county where property is located

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	X	How is the State Tax Lien indexed?
	X	Can the State Tax Lien be recorded in more than one county?
X	X	<ul style="list-style-type: none"> <li>○ The State Tax Lien becomes a lien on the taxpayer's property, both that owned at the time of recording and property acquired after recording.</li> </ul>
X	X	What does the State have the right to do in regard to real property?
	X	<ul style="list-style-type: none"> <li>○ Seize the property and sell it to recover the unpaid taxes</li> </ul>
	X	Who is notified about this sale? – only the taxpayer, not the current owner of the property
X	X	For how long does State Tax Lien affect the property?
X	X	Curative Issues
X	X	<ul style="list-style-type: none"> <li>○ Verification that owner is not the same as debtor and Affidavit of Identity</li> </ul>
X	X	<ul style="list-style-type: none"> <li>○ Release or Partial Release from State</li> </ul>
X	X	Homestead
X	X	Bankruptcy (see separate topic)
X	X	<b>Child Support Lien</b>
X	X	What is a Child Support Lien?
	X	What does it take for a Child Support Lien to become a lien on real property?
	X	<ul style="list-style-type: none"> <li>○ Recorded and indexed in county where property is located</li> </ul>
	X	How is the Child Support Lien indexed?
	X	Can the Child Support Lien be recorded in more than one county?