

WHAT IS A LIS PENDENS?

Lis Pendens (lease pen-dense) n. Latin for "a suit pending," a written notice that a lawsuit has been filed which concerns the title to real property or some interest in that real property.

The lis pendens (or notice of pending action) is filed with the clerk of the court, certified, and then recorded with the County Recorder. This gives notice to the defendant who owns real estate that there is a claim on the property, and the recording informs the general public (and particularly anyone interested in buying or financing the property) that there is this potential claim against it.

A property owner's first remedy if a lis pendens is found, is to post a bond. If the court determines that the lis pendens was filed in bad faith, or that it does not affect title or possession to the property, then the court may expunge the lis pendens without the posting of a bond. You can take title subject to the lis pendens, but you would risk possible future judgments against the property.

The lis pendens must include a legal description of the real property, and the lawsuit must involve the property. You will find the lis pendens listed in the preliminary report together with the liens and easements.

