LIS PENDENS- STATUTORY REQUIREMENTS AND THEIR REMOVAL

Richard Melamed
Richard Melamed, PLLC
2100 West Loop South, Suite 1100
Houston, Texas 77027
(713) 572-7030
melamed@swbell.net

24th Annual Robert C. Sneed
Texas Land Title Institute
Hyatt Hill Country Resort
San Antonio, Texas
December 4-5, 2014
I would certainly be remiss if I did not acknowledge that this work is mostly plagiarized from bits and pieces of Steven C. Haley’s outstanding outline on Lis Pendens law. He has been presenting and updating his paper on this topic for at least 15 years, and it is exhaustive in its annotation of case cites to support each rule of law that is stated.

In fact, Steve Haley’s outlines are so well prepared and presented, that I rely on them weekly in researching and writing motions and briefs on the topics he has covered. With hundreds of footnotes in each outline, Haley sets a standard of writing that is so high, I just give up and steal from him.

Do not fail to look at his presentations on:

Texas Homestead Law
Abstracts of Judgment
The Recording Statute
Lis Pendens
Material Alteration of Documents
Richard Melamed is a native Houstonian. He is a graduate of the University of Texas and South Texas College of Law and has practiced real estate and business law in Harris and surrounding counties for over 35 years. He has represented parties in real estate and business transactions; defended clients in court over real estate disputes; and has extensive experience adjudicating title issues in courts. Much of Rick’s early career involved litigating titles to property. He is a certified mediator and spends a good portion of his time mediating and resolving real estate and business disputes.

Mr. Melamed has been actively involved in the real estate and title industries for his entire career. As a law clerk he was taught to examine title. He worked as a title officer for a major title underwriter and agent, assisting title examiners in interpreting documents in the chains of title, making appropriate underwriting requirements, and facilitating closings when legal or title issues would arise. He continued in the title business thereafter as a commercial closer, title counsel, and as a fee attorney.

He is a regular speaker and presenter at seminars sponsored by the State Bar of Texas and the Texas Land Title Association, presented to lawyers, title examiners and escrow officers for compliance with their mandatory continuing education requirements and licensure. He is also certified by the Texas Real Estate Commission to teach core courses, electives and annual MCE Update courses.

Additional credentials include:
- Board Certified in Residential, Commercial, and Farm & Ranch Real Estate by the Texas Board of Legal Specialization
- A-V Rated by Martindale-Hubbell
- Listed in the Bar Registry of Preeminent Lawyers
- Recognized by Super Lawyers magazine for over 10 consecutive years as one of the Top 100 lawyers in the Houston Region
- Named in the Super Lawyer’s 2011 Business Addition as the only solo practitioner in Texas under the “Top Law Firms in Construction & Real Estate”
- Listed in Who’s Who in American Law;
- Recognized by Inside Houston and H Magazines as one of the Best Real Estate Lawyers in Houston
- Member, State Bar of Texas Real Estate Forms Committee
- Member, State Bar of Texas Real Estate, Probate and Trust Council (2010-2014)
- Section Representative- State Bar Board of Directors (2013-2014)
The Lis Pendens Rule

Texas courts follow the lis pendens rule. Hartel v. Dishman, 135 Tex. 600, 145 S.W.2d 865 (1940); Rio Bravo Oil Co. v. Hebert, 130 Tex. 1, 106 S.W.2d 242 (1937).

Generally, the lis pendens doctrine states that a court which has acquired jurisdiction of a cause of action is entitled to proceed to the final exercise of that jurisdiction without the interference of anyone with the subject matter or res before the court. See, 37 Tex.Jur.2d, Lis Pendens § 1 (1962); Olds, Lis Pendens, Hous. L. Rev. 221 (1966).

Under this doctrine, one acquiring an interest in the property involved in a lawsuit takes the interest subject to the parties' rights as finally determined by the court. 5 G. Thompson, Commentaries on the Modern Law of Real Property § 4508, at 391 (1924 & Supp.1958); 5 H. Tiffany, the Law of Real Property § 1294, at 82 (1939 & Supp.1979).

Mr. Justice Joseph Story expressed the rule and rationale of lis pendens as follows:

"He who purchases during the pendency of a suit, is held bound by the decree that may be made against the person from whom he derives title .... [T]he rule is founded upon a great public policy; for, otherwise, alienations made during a suit might defeat its whole purpose, and there would be no end to litigation. And hence arises the maxim, Pendente lite, nihil innovetur; the effect of which is not to annul the conveyance, but only to render it subservient to the rights of the parties in the litigation. As to the rights of the parties, the conveyance is treated as if it never had any existence; and it does not vary them."


During the pendency of an action involving title to real property, the establishment of an interest in real property, or the enforcement of an encumbrance against real property," a party seeking affirmative relief may file a lis pendens in the real property records of the county where the property is located. Tex. Prop. Code Ann. § 12.007(a) (Vernon Supp. 2010).

A properly filed lis pendens is not itself a lien, but rather it operates as constructive notice "to the world of its contents." See Tex. Prop. Code Ann. § 13.004(a) (Vernon 2003); see also B & T Distribs., Inc. v. White, 325 S.W.3d 786, 789 (Tex. App.-El Paso 2010, no pet.)


A notice of lis pendens may not be predicated on an action or suit seeking merely to recover a personal or money judgment unless and until a valid judgment has been secured and made a lien against the property. It does not apply to an action of trespass, or a suit for an accounting, or to
any other action or suit which does not directly affect property. The doctrine of lis pendens applies to all suits or actions which directly affect real property.

The lis pendens that a claim is being litigated against the property. A notice of lis pendens may be filed during the pendency of an action involving (1) title to real property, (2) the establishment of an interest in real property, or (3) the enforcement of an encumbrance against real property. "A recorded lis pendens notice to the world of its contents," regardless of whether service has been made on the parties to the proceeding.

If a notice of lis pendens satisfies the requirements of section 12.007, the trial court may not cancel it except as provided in section 12.008.

Under Texas law, a lis pendens does not prevent a sale of the property; it merely places a purchaser on notice that a person other than the title holder claims an interest in the property. Group Purchases, Inc. v. Lance Inv., Inc., 685 S.W.2d 729, 731 (Tex. App.-Dallas 1985, writ ref'd n.r.e.).

A lis pendens notice operates during the pendency of the lawsuit and terminates with the judgment, in the absence of appeal. Berg v. Wilson, 353 S.W.3d 166, 180 (Tex. App.-Texarkana 2011, pet. denied); see also Hartel v. Dishman, 135 Tex. 600, 145 S.W.2d 865, 869 (1940); Collins, 297 S.W.3d at 418.

Purpose

The purpose of a lis pendens is to put parties interested in a particular tract of land on notice as to the facts and issues involved in a suit or action concerning that particular tract. In re Jamail, 156 S.W.3d 104, 108 (Tex. App.-Austin 2004, orig. proceeding); In re Collins, 172 S.W.3d 287, 292-93 (Tex. App.-Fort Worth 2005, orig. proceeding); Garza v. Pope, 949 S.W.2d 7, 8 (Tex. App.-San Antonio 1997, no writ).

The purpose of a notice of lis pendens is . . . to put prospective buyers on notice that they acquire any interest subject to the outcome of the pending litigation."). A purchaser of land is charged with information contained in instruments of record that are in the chain of title at the time he purchases the property. Cadle Co. v. Caamano, 930 S.W.2d 917, 920 (Tex. App.-Houston [14th Dist.] 1996, no pet.).

The purpose of a notice of lis pendens is to put those interested in a particular tract of land on inquiry about the facts and the issues involved in the suit and to put prospective buyers on notice that they acquire any interest subject to the outcome of the pending litigation.

The purpose of a lis pendens is to provide notice of the pendency of an action involving real estate. Kropp v. Prather, 526 S.W.2d 283, 287 (Tex. Civ. App.—Tyler 1975, writ ref'd n.r. e.). A lis pendens has no existence separate and apart from the litigation of which it gives notice.

Generally speaking, the purpose of lis pendens notice is twofold: (1) to protect the filing party's alleged rights to the property that is in dispute in the lawsuit, and (2) to put those interested in the

**Res Judicata**

The doctrine of res judicata states that a cause of action once finally determined, without appeal, between the parties, on the merits, by a competent tribunal, cannot afterwards be litigated by new proceedings either before the same or any other tribunal. Steakley & Howell, *Ruminations on Res Judicata*, 28 Sw. L.J. 355 (1974).

The scope of res judicata is not limited to matters actually litigated; the judgment in the first suit precludes a second action by the parties and their privies not only on matters actually litigated, but also on causes of action or defenses which arise out of the same subject matter and which might have been litigated in the first suit. *Griffin v. Holiday Inns of America*, 496 S.W.2d 535 (Tex.1973); *Abbott Laboratories v. Gravis*, 470 S.W.2d 639 (Tex. 1971); *Ogletree v. Crates*, 363 S.W.2d 431 (Tex.1963); *Hanrick v. Gurley*, 93 Tex. 458, 56 S.W. 330 (1900).

Res Judicata applies not only to the parties in the suit, but also all of those who might have a claim and have notice or knowledge of the pending matter.

**Prior to 2009**

Prior to section 12.0071’s enactment in 2009, a party could obtain cancelation of a lis pendens by establishing that the suit upon which the lis pendens is based involved a collateral, rather than direct, interest in real property. *E.g.*, *In re Collins*, 172 S.W.3d 287, 293 (Tex. App.-Fort Worth 2005, orig. proceeding). This is because "the property against which the lis pendens is filed must be the subject matter of the underlying lawsuit."

If the suit seeks a property interest only to secure the recovery of damages or other relief that the plaintiff may be awarded, it is not "an action involving: (1) title to real property, (2) the establishment of an interest in real property, or (3) the enforcement of an encumbrance against real property" as required by section 12.007 to render a notice of lis pendens proper. *Flores v. Haberman*, 915 S.W.2d 477, 478 (Tex.1995).

Nature of Suit Determined From Pleadings.

To determine if a case was one properly supporting a lis pendens filing, the courts would often limit their determination to an examination of the pleaded claims.

A notice of lis pendens acts as a mere memorandum referring potential purchasers to the court records and pleadings in the case.

The purchaser is charged with knowledge of the pleadings and papers on file in the suit. Notice extends to all claims expressly involved in and evident from the suit as well as those claims reasonably discoverable therefrom.
The notice extends to all parties and things in controversy in the suit and charges the purchaser with a duty to investigate the litigation to discover its scope, facts, and applicable defenses and counter-defenses.

Cases decided before 2009 required that the subject tract be specifically described in the pleadings before constructive notice was effective. Justice required that interested parties have a means of informing themselves of the specific property imperiled by the outcome of the suit.

While the lis pendens statute now requires that the affected property be described in the notice of lis pendens, the decisional authorities differ on whether the pleadings must also describe the property.

Before section 12.0071 was enacted, there was a split in authority about whether the classification of a claim as direct or collateral should be made solely by reference to the pleadings or by examining the evidence. As illustrated in In Re: Collins, 172 S.W.3d at 293-94 (the courts in Houston and Austin relied on the pleadings, while the courts in Beaumont and Tyler took an approach that included adducing evidence, while the courts in Dallas had taken both approaches).

Amended Pleadings

The claims to which lis pendens applies are those asserted in the pleadings in the case.

There is no notice of claims that could have been but were not asserted.

To determine the extent of notice provided, the active pleadings are examined as of the date of the transfer to which lis pendens is sought to be applied.

A purchaser pendente lite is not affected by claims added by amended pleadings after the date of the transfer. It is the suit pending at the date of the conveyance that serves as the basis for lis pendens and not matters raised by subsequent amendments or suits.

A general prayer for relief in the plaintiff’s pleadings is not sufficient to put the purchaser pendente lite on constructive notice of claims that could be added after the conveyance.

Although the supreme court in Flores held that a claim a "collateral interest" in real property does not authorize the filing of a notice of lis pendens, the court did not hold that the filing of a notice of lis pendens in connection with a lawsuit seeking a constructive trust on real property is per se unauthorized. 915 S.W.2d at 478. Rather, the court held that the interest asserted in Flores was collateral because "the plaintiffs seek a constructive trust in the purchased properties only to satisfy the judgment they seek."

Direct v. Collateral Interest

2014 Texas Land Title Institute
Lis Pendens- Statutory Requirements & Their Removal
To satisfy section 12.007, the suit on which the lis pendens is based must claim a direct interest in real property rather than a collateral interest. *In re Collins*, 172 S.W.3d 287, 293 (Tex.App.-Fort Worth 2005, no pet.). In other words, the property against which the lis pendens is filed must be the subject matter of the underlying lawsuit. If the suit seeks a property interest only to secure the recovery of damages or other relief that the plaintiff may be awarded, the interest is merely collateral and will not support a lis pendens. *Flores v. Haberman*, 915 S.W.2d 477, 478 (Tex.1995).

If, however, a motion seeking the removal of a lis pendens challenges the existence of facts supporting the pleader's alleged interest in the property, the trial court should consider evidence relevant to the question of whether the alleged property interest is direct or collateral. In so doing, the trial court must not decide the merits of the parties' claims, but must confine itself to the evidence relevant to the issue of whether the alleged property interest is direct or collateral.

If the evidence raises an issue of fact regarding whether the alleged property interest is a direct interest, the motion should be denied and the issue must be resolved by the fact finder. If, however, the relevant evidence is undisputed, or fails to raise a fact question concerning the true nature of the alleged property interest, the trial court should rule on the validity of the lis pendens as a matter of law.

This rule strikes the necessary balance between protecting the plaintiff's asserted interest in the property, on the one hand, and protecting the property owner from the adverse effects of a lis pendens that is based on a sham pleading, on the other, without depriving the parties of the right to present the merits of their case at trial.

**The 2009 Statute**

Section 12.0071 resolved the split of authority between looking solely to the pleadings or adducing evidence by expressly providing avenues for both by allowing expungement based on the (1) failure to adequate plead "a real property claim," or (2) failure to demonstrate by a preponderance of the evidence "the probable validity of the real property claim." TEX. PROP.CODE ANN. § 12.0071(c).

In 2009, the Legislature enacted section 12.0071 which allows a party to challenge a notice of lis pendens by filing an application to have the lis pendens expunged, as well as filing evidence, including declarations, with its motion to expunge. *See* Tex. Prop. Code Ann. § 12.0071 (West Supp. 2012).

At the hearing on the motion, the court may permit evidence in the form of oral testimony. *See id.* § 12.0071(b)(1). The court must then "rule on the motion for expunction based on the affidavits and counter-affidavits on file and on any other proof the court allows." *Id.* § 12.0071(e). After considering the evidence, "the court shall order the notice of lis pendens expunged if the court determines that ... the claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim." *Id.* § 12.0071(c)(2).
Before enactment of the statute, a party seeking cancellation or expunction of a lis pendens notice had to show that the party filing the notice (the claimant) did not have pending claims that fell into one of the categories of claims contained in section 12.007(a). This inquiry focused on the nature of the claims asserted rather than the merits or likelihood that the claims would be prosecuted successfully. See Tex. Prop. Code Ann. § 12.007(a); In re Collins, 172 S.W.3d 287, 293-94 (Tex. App.-Fort Worth 2005, orig. proceeding).

In enacting the new statute, the Legislature made a fundamental change by including language that requires consideration of the merits of the claim that forms the basis of the lis pendens. See Tex. Prop. Code. Ann. § 12.0071 (c)(2); Ortiz, 401 S.W.3d 867, 905 (Frost, J., dissenting).

Section 12.0071 (c)(2) mandates that the trial court must grant a motion for expunction of a lis pendens notice if it determines that "the claimant fails to establish by a preponderance of the evidence the probable validity of its real property claim." Tex. Prop. Code Ann. § 12.0071 (c)(2).

Section 12.0071 (c)(3) provides as follows: "The court shall order the notice of lis pendens expunged if the court determines that... (3) the person who filed the notice for record did not serve a copy of the notice on each party entitled to a copy under Section 12.007(d)." Tex. Prop. Code Ann. § 12.0071(c)(3).

Section 12.0071 allows a party to file a motion requesting the trial court expunge a notice lis pendens, but the statute requires that the motion be served on each affected person on or before the 20th day before a hearing on the matter. A trial court cannot expunge a notice of lis pendens sua sponte, and without proper notice to each affected party.

A lis pendens may be filed during the pendency of an action involving title to real property, the establishment of an interest in real property, or an enforcement of an encumbrance against real property. Tex. Prop. Code Ann. § 12.007 (West 2009).

**Constructive Trust**

What is a "constructive trust"?

The theory is that the property, which is held in the name of another, is really being held in trust by that other for the party who is truly entitled to the property. Of course, there is no agreement by the party holding title that he hold for the benefit of someone else.

Actually, it is not a trust at all, but rather is an equitable remedy created by our legal system to prevent unjust enrichment, and its purpose is to right wrongs that cannot be addressed under other legal theories. Medford v. Medford, 68 S.W.3d 242, 248 (Tex. App.-Fort Worth 2002, no pet.); Ellisor v. Ellisor, 630 S.W.2d 746, 748 (Tex. App.-Houston [1st Dist.] 1982, no writ).

Typically, in a conversion suit, the claimant alleges that the proceeds of the converted property were used to purchase real estate and then seeks a constructive trust on that real property. In these cases, the courts have found that imposing a constructive trust on the real estate to satisfy
the judgment against the adversary is asserting only a collateral interest in the real property and that a lis pendens is improper. *In re Wolf*, 65 S.W.3d 804, 806 (Tex. App.-Beaumont 2002).

In contrast, where the constructive trust is sought to restore to the aggrieved party the actual property that was misappropriated, the action is seeking to establish an interest in the property itself, so that a lis pendens is appropriate. *First Nat'l Petroleum Corp. v. Lloyd*, 908 S.W.2d 23, 25 (Tex. App.-Houston [1st Dist.] 1995, no writ).

The validity of a filing of a notice of lis pendens is judged by the pleadings on file at the time of the transaction with respect to the property occurred. *Letcher v. Reese*, 24 Tex.Civ.App. 537, 540, 60 S.W. 256, 257 (Fort Worth 1900, no writ) Unless the suit as made by the pleadings on file at the time the new purchaser bought was of such a nature as to authorize the court to declare and foreclose a lien on the lots, no amendment changing the nature of the case would affect a purchaser who took title before such amendment was filed. *Mansur & Tebbetts Implement Co. v. Beer*, 19 Tex.Civ.App. 311, 313, 45 S.W. 972, 973 (San Antonio 1898, writ ref'd) ("The suit pending at the time of the transfer of the notes is the one that must serve as a basis for the rule of lis pendens and not matters raised by subsequent amendments or suits.").

**The Privileged Nature of Lis Pendens Filing.**

Generally any communications, oral or written, uttered or published in the course of a judicial proceeding is absolutely privileged. A notice of lis pendens is part of judicial proceedings. It has no separate existence apart from the underlying litigation.

A notice of lis pendens is as entitled to privilege as the pleadings filed in the suit. As a result an absolute privilege bars any suit arising from the filing of a notice of lis pendens. The basis of the privilege is to allow litigants the utmost access to the judicial system to secure their rights and defend themselves without fear of being harassed by suits.

While a lis pendens is generally privileged, this does not mean that the underlying pleading supporting the lis pendens is absolutely privileged. Tex. R. Civ. P. Rule 13 prescribes sanctions for pleadings which are groundless, brought in bad faith, or for the purposes of harassment.

As a result, claims arising out of bad faith filings are best directed to the motivation of the underlying suit to determine if it has any basis in fact or law or could be justified by a good faith argument for extension, modification, or reversal of existing law.

The absolute privilege for filing a notice of lis pendens extends to any theory upon which a suit complaining of the lis pendens might be brought including slander of title, tortious interference with contract, or interference with business.

The privilege extends to both the party filing the notice and their counsel.

A notice of lis pendens is privileged even if filed in connection with a suit not lawfully supporting the filing. In *Prappas v. Meyerland Community Improvement Ass’n*, a homeowners' association filed a notice of lis pendens ancillary to a suit seeking a declaratory judgment and
injunctive relief in enforcement of deed restrictions. In the opposing party's subsequent suit against the association for damages from the filing, the court found it unnecessary to consider whether the association's original suit was one concerning title, interest, or an encumbrance against real property.

The lis pendens filing was absolutely privileged, even if there was not statutory basis for the filing. Prappas also concluded that the absolute privilege is not lost if the notice of lis pendens fails to include all required statutory elements.'

The filing of a notice of lis pendens is an absolute privilege. The privilege does not turn upon the presence or absence of good faith. In applying the privilege it is immaterial whether or not the filing was made with malice.

**Overgeneralized Conclusion**

Texas now has a statute that gives relief to property owners who are victims of wrongfully filed notices of lis pendens. The notice can be cancelled or expunged without the need of the property owner posting bond or security. However, in the case of the proper pleading seeking constructive trust, the following quote remains true:

"Lis Pendens can be a powerful tool that can provide significant protection and leverage to the party seeking to establish an interest in a specific parcel of real estate. A lis pendens timely and properly filed can effectively halt very large real estate sales involving millions of dollars pending the outcome of litigation." Gary Powell, *Real Estate Remedies: Lis Pendens*, 32 Tex. St. Bar Sec. Litig. Rep. 70, 70 (2005).
Sec. 12.007. LIS PENDENS. (a) After the plaintiff's statement in an eminent domain proceeding is filed or during the pendency of an action involving title to real property, the establishment of an interest in real property, or the enforcement of an encumbrance against real property, a party to the action who is seeking affirmative relief may file for record with the county clerk of each county where a part of the property is located a notice that the action is pending.

(b) The party filing a lis pendens or the party's agent or attorney shall sign the lis pendens, which must state:

1. the style and number, if any, of the proceeding;
2. the court in which the proceeding is pending;
3. the names of the parties;
4. the kind of proceeding; and
5. a description of the property affected.

(c) The county clerk shall record the notice in a lis pendens record. The clerk shall index the record in a direct and reverse index under the name of each party to the proceeding.

(d) Not later than the third day after the date a person files a notice for record under this section, the person must serve a copy of the notice on each party to the action who has an interest in the real property affected by the notice.


Sec. 12.0071. MOTION TO EXPUNGE LIS PENDENS. (a) A party to an action in connection with which a notice of lis pendens has been filed may:

1. apply to the court to expunge the notice; and
2. file evidence, including declarations, with the motion to expunge the notice.

(b) The court may:

1. permit evidence on the motion to be received in the form of oral testimony; and
2. make any orders the court considers just to provide for discovery by a party affected by the motion.
(c) The court shall order the notice of lis pendens expunged if the court determines that:

(1) the pleading on which the notice is based does not contain a real property claim;

(2) the claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim; or

(3) the person who filed the notice for record did not serve a copy of the notice on each party entitled to a copy under Section 12.007(d).

(d) Notice of a motion to expunge under Subsection (a) must be served on each affected party on or before the 20th day before the date of the hearing on the motion.

(e) The court shall rule on the motion for expunction based on the affidavits and counteraffidavits on file and on any other proof the court allows.

(f) After a certified copy of an order expunging a notice of lis pendens has been recorded, the notice of lis pendens and any information derived from the notice:

(1) does not:

   (A) constitute constructive or actual notice of any matter contained in the notice or of any matter relating to the proceeding;

   (B) create any duty of inquiry in a person with respect to the property described in the notice; or

   (C) affect the validity of a conveyance to a purchaser for value or of a mortgage to a lender for value; and

(2) is not enforceable against a purchaser or lender described by Subdivision (1)(C), regardless of whether the purchaser or lender knew of the lis pendens action.

(g) The court in its discretion may require that the party prevailing in the expunction hearing submit an undertaking to the court in an amount determined by the court.

Added by Acts 2009, 81st Leg., R.S., Ch. 297 (H.B. 396), Sec. 2, eff. September 1, 2009.
Sec. 12.008. CANCELLATION OF LIS PENDENS. (a) On the motion of a party or other person interested in the result of or in property affected by a proceeding in which a lis pendens has been recorded and after notice to each affected party, the court hearing the action may cancel the lis pendens at any time during the proceeding, whether in term time or vacation, if the court determines that the party seeking affirmative relief can be adequately protected by the deposit of money into court or by the giving of an undertaking.

(b) If the cancellation of a lis pendens is conditioned on the payment of money, the court may order the cancellation when the party seeking the cancellation pays into the court an amount equal to the total of:

(1) the judgment sought;
(2) the interest the court considers likely to accrue during the proceeding; and
(3) costs.

(c) If the cancellation of a lis pendens is conditioned on the giving of an undertaking, the court may order the cancellation when the party seeking the cancellation gives a guarantee of payment of a judgment, plus interest and costs, in favor of the party who recorded the lis pendens. The guarantee must equal twice the amount of the judgment sought and have two sufficient sureties approved by the court. Not less than two days before the day the guarantee is submitted to the court for approval, the party seeking the cancellation shall serve the attorney for the party who recorded the lis pendens a copy of the guarantee and notice of its submission to the court.

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...
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, lessees or investors. A lis pendens lien can make it very difficult to close any real estate transactions. We represent Texas businesses that need to:

- **File a lis pendens lien:** If you are going to file a lawsuit on a piece of property, filling the lien may safeguard against any title transfers before your dispute is resolved.
- **Extinguish 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 placed all the way to court.

Contact a Fort Worth Property Lien Attorney at Bennett, Weston, LaJone & Turner, P.C.

With offices in Dallas, we protect the rights of businesses with real estate concerns across Texas. Contact us today to arrange a face-to-face consultation with one of our lawyers.