

Lis Pendens in Real Estate Transactions: Asserting and Defending Property Rights, Recent Cases

TUESDAY, OCTOBER 1, 2019

1pm Eastern | 12pm Central | 11am Mountain | 10am Pacific

Today's faculty features:

Karen L. Hart, Partner, **Bell Nunnally & Martin**, Dallas

Christian A. Petersen, Attorney, **Hackleman Olive & Judd**, Ft. Lauderdale, Fla.

The audio portion of the conference may be accessed via the telephone or by using your computer's speakers. Please refer to the instructions emailed to registrants for additional information. If you have any questions, please contact **Customer Service at 1-800-926-7926 ext. 1.**

RELEASE AND DISCHARGE OF LIS PENDENS

STATE OF TEXAS §
 §
COUNTY OF _____ §

1. _____ caused to be filed at the office of the County Clerk of _____ County, Texas, a Notice of Lis Pendens (“Lis Pendens”), on or about _____ [date] at Instrument No. _____. A true and correct copy of the Lis Pendens is attached hereto as **Exhibit A** and incorporated herein by reference.

2. The real property to which the Lis Pendens pertains is commonly known as _____ [address] and more particularly described as _____

_____ [legal description] (the “Property”).

3. _____ does hereby release, discharge and relinquish the Lis Pendens against the Property described therein. The County Clerk of _____ County, Texas, is hereby authorized to record this instrument.

SIGNED on the date of the Acknowledgment as provided below.

[NAME]

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed above, and acknowledged to me that he/she is authorized to sign foregoing Release and Discharge of Lis Pendens, and that he/she freely executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____ 20_____.

Notary Public, State of Texas

My Commission Expires: _____

_____,
Plaintiff,
v.
_____,
Defendant,

§
§
§
§
§
§
§
§
§
§

Civil Action No. _____

ORDER GRANTING MOTION TO EXPUNGE LIS PENDENS

Came on for consideration, Plaintiff _____ Motion to Expunge Lis Pendens and Brief in Support (the “Motion”). The Court, having considered the Motion, any response and reply briefs thereto, all relevant pleadings, the arguments of counsel and the relevant law, the Court, being fully advised, finds that the pleading on which the Notice of Lis Pendens, attached hereto as **Exhibit A**, is not based upon and/or does not contain a real property claim. The Court is therefore of the opinion that the Motion should is meritorious and should be **GRANTED**. It is, therefore,

ORDERED that the Notice of Lis Pendens, attached hereto as **Exhibit A**, and recorded as Instrument No. _____ on _____ [date] in the real property records of _____ County, Texas, for the property made the subject of the underlying litigation and commonly known as _____ [address], with the following legal description:

(the “Property”) be and the same is hereby **CANCELLED**. It is further

ORDERED that any and all notices of lis pendens recorded as to the Property by _____ are hereby **CANCELLED** and are **VOID** effective as of the date of signing of this Order.

SIGNED this ____ day of _____, 20____.

HONORABLE JUDGE _____

CANCELLATION OF NOTICE OF LIS PENDENS

Definitions:

Notice of Lis Pendens: The Notice of Lis Pendens which is dated _____, and which is recorded at Instrument No. _____, in the Real Property Records of _____ County, Texas, and a true and correct copy of which is attached hereto as **Exhibit A**.

Cancellation of Notice of Lis Pendens:

_____, the party that filed the Notice of Lis Pendens, does hereby cancel the Notice of Lis Pendens, as the lawsuit to which reference is made in the Notice of Lis Pendens, has been resolved.

By _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed above, and acknowledged to me that he/she is authorized to sign foregoing Cancellation of Lis Pendens, and that he/she freely executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____ 20____.

Notary Public, State of Texas

My Commission Expires: _____

NOTICE OF LIS PENDENS

STATE OF TEXAS §
 §
COUNTY OF _____ §

All interested parties are hereby informed that there is currently pending the following legal proceeding:

Style and Number: Cause No. _____, styled _____
v. _____ (the "Proceeding").

Court: The Proceeding is pending in the _____ Court of
_____ County, Texas.

Parties: The names of the parties to the Proceeding are as follows:

- (a) Plaintiff: _____.
- (b) Defendant: _____.

Kind of Proceeding: The Proceeding is _____

[description].

Property: The property affected by the Proceeding is located at
_____ [address], _____ County,
Texas. The legal description of the property is as follows:

_____.

SIGNED this the _____ day of _____ 2017.

Plaintiff _____:

BY: _____

ACKNOWLEDGMENT

STATE OF TEXAS §
 §
COUNTY OF _____ §

BEFORE ME, the undersigned Notary Public, on this day personally appeared _____, known to me to be the person whose name is subscribed above, and acknowledged to me that he/she is authorized to sign foregoing Notice of Lis Pendens, and that he/she freely executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE on this _____ day of _____
20____.

Notary Public, State of Texas

My Commission Expires:_____