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COMMERCIAL

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NEW CONSTRUCTION

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HOW DO JUDGMENTS AFFECT TITLE?

One function of a title search is to determine whether there are any unsatisfied judgments against the seller or previous owners. The title search encompasses any recorded judgments against parties that could affect title. The search and the presence of any recorded judgments are important to setting expectations with your clients.

A judgment is an order awarded by a court to pay money owed to a creditor. When a judgment is awarded, the creditor can use that judgment to place a lien on the seller's property. At that point, a seller must address the judgment, generally by repaying the debt before he or she can sell, trade or transfer the property.

Mortgage lenders will not generally close on a home with an unpaid judgment. They know that if they do, their mortgage lien might be subject to getting wiped out by a foreclosure. For a smooth closing, taking the steps to remove the judgment is needed.

