

WHAT IS LIS PENDENS

Lis Pendens:

Is the Latin phrase for pending litigation. More commonly, a lis pendens is referred to as a “notice of pending action.”

Persons who buy or lend on real estate after a lis pendens has been recorded take the property subject to the claimant’s right, if any, to the real estate. The lis pendens, when recorded, is a notice warning all prospective buyers or encumbrances that title to or possession of the real estate is in dispute.

Preserving Title:

The purpose of a recorded lis pendens is to preserve the rights to the real estate until the dispute with the owner is resolved. Without the recording of a lis pendens, the person claiming an interest in title or possession to the real estate runs the risk that the owner will encumber or convey the property to an individual who is unaware of the dispute.

When another buyer or lender obtains an interest in the real estate before they become aware of a dispute over title, the claimant in the dispute loses his right to recover the real estate.

