

HB 714 -- Written Notice of Lawsuit

Sponsor: Cooper (155)

This bill changes the procedure for filing and recording a written notice that a lawsuit has been filed contesting a piece of real property, known as lis pendens. Currently, in any civil action affecting real estate, a plaintiff must file with the county recorder of deeds a written notice that the lawsuit is pending. The filing party must obtain judicial approval of the memorandum of lis pendens before it can be recorded. The recorder is prevented from accepting any written notice of the suit without judicial approval of the lis pendens and an accompanying affidavit stating that the plaintiff or plaintiff's attorney has served notice of the judicial endorsement to all parties to the action. The bill also includes special provisions for the removal of ex-parte approvals of the memorandum of lis pendens.