

Procedure for Release of Abstract of Judgment and Child Support Lien

The procedure for releasing AJs and child support liens by affidavit changed in September 2021.

Procedures for releasing AJs:

1. We will need an email or written statement from the judgment debtor/seller stating they would like Law Offices of T. Alan Ceshker, PC (LOTAC) to assist with removing the liens from their homestead.
2. The judgment debtor (or investor) will issue payment of \$750 (per AJ) -- if related to a closing. If not related to a closing, this is an hourly paid service with a retainer of \$1,050.
3. We will draft a HOMESTEAD AFFIDAVIT AS RELEASE OF JUDGMENT which the judgment debtor signs in front of a notary and returns to our office.
4. The affidavit will be filed in the appropriate county property records.
5. The recorded affidavit will be forwarded with the statutory required correspondence to:
 - a. The judgment creditor's last known address;
 - b. The judgment creditor's attorney as listed on the AJ; and
 - c. The judgment creditor's attorney's address listed on the state bar website (if it is not the same as b).
6. The statutory CERTIFICATE OF MAILING will be generated.
7. At the end of the statutory period (i.e. 30 days from delivery), the CERTIFICATE OF MAILING with a copy of the letter(s) sent and the CCMRRR forms will be recorded in the county property records.
8. The creditors have 30 days to file an affidavit in the property records disputing the homestead affidavit and release process.
9. If not disputed, the affidavit will serve as a release starting 31 days after the CERTIFICATE OF MAILING is recorded. A closing must occur within 90 days of the CERTIFICATE OF MAILING being recorded or the release process will need to be repeated.

Procedures for releasing child support liens

1. The process is the same as above, but only the claimant needs to be sent a copy of the lien, HOMESTEAD AFFIDAVIT AS RELEASE OF JUDGMENT, and letter via CCMR to their last known address. The OAG does not need to be noticed.

No Attorney-Client Relationship Created by This Post.

No Legal Advice Intended.

Contact Your Attorney For Assistance.