

CAUSE NO.: _____

**IN RE: A PURPORTED FRAUDULENT
LIEN/CLAIM ON PROPERTY**

Name of Purported Debtor

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**IN THE _____
DISTRICT COURT OF
JEFFERSON COUNTY TEXAS**

**MOTION FOR JUDICIAL REVIEW OF DOCUMENTATION OR INSTRUMENT
PURPORTING TO CREATE A LIEN OR CLAIM ON PROPERTY**

Now Comes _____ and files this motion requesting a judicial determination of the status of documentation or an instrument purporting to create an interest in real or personal property or a lien or claim on real or personal property or an interest in real or personal property filed in the office of the County Clerk of Jefferson County, Texas, and in support of the motion would show the court as follows:

I.

_____, movant herein, is the purported obligor or debtor or person who owns the real or personal property or the interest in real or personal property described in the documentation or instrument.

II.

On _____ (date), in the exercise of the county clerk's official duties as County Clerk of Jefferson County, Texas, the county clerk received and filed and recorded the documentation or instrument attached hereto and containing _____ number pages. Said documentation or instrument purports to have created a lien on real or personal property or an interest in real or personal property against one _____ (name of purported debtor). Additional purported debtors, if any: _____.

III.

Movant alleges that the documentation or instrument attached hereto is fraudulent, as defined by [Section 51.901\(c\)\(2\), Government Code](#), and that the documentation or instrument should therefore not be accorded lien status.

IV.

Movant attests that assertions herein are true and correct.

V.

Movant does not request the court to make a finding as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions, as provided by Chapter 10, Civil Practice and Remedies Code, if this motion is determined to be frivolous.

PRAYER

Movant requests the court to review the attached documentation or instrument and enter an order determining whether it should be accorded lien status, together with such other orders as the court deems appropriate.

Respectfully submitted,

Signature

Print Name

Address: _____

Phone No: _____

AFFIDAVIT

THE STATE OF TEXAS

COUNTY OF JEFFERSON

BEFORE ME, the undersigned authority, personally appeared _____, who, being by me duly sworn, deposed as follows:

“My name is _____. I am over 21 years of age, of sound mind, with personal knowledge of the following facts, and fully competent to testify.

I further attest that the assertions contained in the accompanying motion are true and correct.”

Further affiant sayeth not.

SUBSCRIBED and SWORN TO before me, this _____ day of _____, _____.

NOTARY PUBLIC, State of Texas

Notary’s printed name

My commission expires: _____

CAUSE NO.: _____

**IN RE: A PURPORTED FRAUDULENT
LIEN/ ASSERT CLAIM ON PROPERTY**

Name of Purported Debtor

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**IN THE _____
DISTRICT COURT OF
JEFFERSON COUNTY TEXAS**

**JUDICIAL FINDING OF FACT AND CONCLUSION OF LAW REGARDING A
DOCUMENTATION OR INSTRUMENT PURPORTING TO CREATE A LIEN OR CLAIM**

On the _____ day of _____, 20____, in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of (name) and the documentation or instrument attached thereto. No testimony was taken from any party, nor was there any notice of the court's review, the court having made the determination that a decision could be made solely on review of the documentation or instrument under the authority vested in the court under Subchapter J, Chapter 51, Government Code.

The court finds as follows (only an item checked and initialed is a valid court ruling):

_____ The documentation or instrument attached to the motion herein IS asserted against real or personal property or an interest in real or personal property and:

- (1) IS provided for by specific state or federal statutes or constitutional provisions;
- (2) IS created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the laws of this state, or by consent of an agent, fiduciary, or other representative of that person; or
- (3) IS an equitable, constructive, or other lien imposed by a court of competent jurisdiction created or established under the constitution or laws of this state or of the United States.

_____ The documentation or instrument attached to the motion herein:

- (1) IS NOT provided for by specific state or federal statutes or constitutional provisions;
- (2) IS NOT created by implied or express consent or agreement of the obligor, debtor, or the owner of the real or personal property or an interest in the real or personal property, if required under the law of this state or by implied or express consent or agreement of an agent, fiduciary, or other representative of that person;
- (3) IS NOT an equitable, constructive, or other lien imposed by a court of competent jurisdiction created by or established under the constitution or laws of this state or the United States; or
- (4) IS NOT asserted against real or personal property or an interest in real or personal property. There is no valid lien or claim created by this documentation or instrument.

This court makes no finding as to any underlying claims of the parties involved, and expressly limits its finding of fact and conclusion of law to the review of a ministerial act. The county clerk shall file this finding of fact and conclusion of law in the same class of records as the subject documentation or instrument was originally filed, and the court directs the county clerk to index it using the same names that were used in indexing the subject documentation or instrument.

SIGNED ON THIS THE _____ DAY OF _____.

PRESIDING DISTRICT JUDGE