

## **IC 32-30-11**

### **Chapter 11. Lis Pendens**

#### **IC 32-30-11-1**

##### **"Lis pendens record"**

Sec. 1. Each clerk of the circuit court shall keep a lis pendens record. The lis pendens record is a public record. The clerk of the circuit court may keep the lis pendens record:

- (1) in hard copy form; or
- (2) in electronic form, if all information in the lis pendens record is available to the public to inspect or copy in the electronic form.

*As added by P.L.2-2002, SEC.15. Amended by P.L.78-2014, SEC.4.*

#### **IC 32-30-11-2**

##### **Suit commenced upon a bond payable to Indiana; required written notice**

Sec. 2. (a) This section applies to a suit commenced upon a bond payable to the state in any of the courts of Indiana or in a district court of the United States sitting in Indiana.

(b) The plaintiff in the case shall file with the clerk of the circuit court a written notice containing:

- (1) the title of the court; and
- (2) the names of all parties to the suit and a statement that the suit is upon an official bond.

*As added by P.L.2-2002, SEC.15.*

#### **IC 32-30-11-3**

##### **Suit to enforce certain liens; required written notice**

Sec. 3. (a) This section applies to a person who commences a suit:

- (1) in any court of Indiana or in a district court of the United States sitting in Indiana;
- (2) by complaint as plaintiff or by cross-complaint as defendant; and
- (3) to enforce any lien upon, right to, or interest in any real estate upon any claim not founded upon:

(A) an instrument executed by the party having the legal title to the real estate, as appears from the proper records of the county, and recorded as required by law; or

(B) a judgment of record in the county in which the real estate is located, against the party having the legal title to the real estate, as appears from the proper records.

(b) The person shall file, with the clerk of the circuit court in each county where the real estate sought to be affected is located, a written notice containing:

- (1) the title of the court;
- (2) the names of all the parties to the suit;
- (3) a description of the real estate to be affected; and
- (4) the nature of the lien, right, or interest sought to be enforced against the real estate.

*As added by P.L.2-2002, SEC.15.*

#### **IC 32-30-11-4**

##### **Notice filing**

Sec. 4. The clerk shall:

- (1) record a notice filed under section 2 or 3 of this chapter in the lis pendens record; and
- (2) note upon the record the day and hour when the notice was filed and recorded.

*As added by P.L.2-2002, SEC.15.*

#### **IC 32-30-11-5**

##### **Property seized by sheriff or coroner; required written notice; fees**

Sec. 5. (a) This section applies when a sheriff or coroner of a county in Indiana:

- (1) seizes upon real estate or an interest in real estate by virtue of a writ of attachment; or
- (2) levies upon real estate or an interest in real estate by virtue of an execution issued to the sheriff or coroner from any court other than the court of the county in which the sheriff or coroner resides.

(b) At the time of the seizure or levy, the sheriff or coroner shall file with the clerk of the circuit court of the county a written notice setting forth:

- (1) the names of the parties to the proceedings upon which the writ of attachment or execution is founded; and
- (2) a description of the land seized or levied upon.

The notice shall be recorded, as provided for in section 4 of this chapter.

(c) The sheriff or coroner shall state, in the return to the attachment or execution, that notice has been filed. The sheriff or coroner is allowed a fee of fifty cents (\$0.50) to be taxed as costs for making and filing the notice. However, the sheriff or coroner is not required to file the notice until the attachment or execution plaintiff provides the money to pay the clerk for filing and recording the notice.

*As added by P.L.2-2002, SEC.15.*

#### **IC 32-30-11-6**

##### **Index of notices filed with clerk**

Sec. 6. Upon filing and recording the notices described in this chapter, the clerk shall index the notices by the names of each party whose interest in the real estate might be affected by the suit, attachment, or execution. The clerk shall maintain entries for each notice listing:

- (1) the plaintiff versus the names of all the defendants; and
- (2) each defendant whose real estate is sought to be affected at the suit of the plaintiff.

*As added by P.L.2-2002, SEC.15.*

### **IC 32-30-11-7**

#### **Final determinations adverse to party seeking to enforce lien; satisfaction entered in lis pendens record**

Sec. 7. Upon the final determination of any suit brought:

- (1) for the purposes described in section 2 or 3 of this chapter; and
- (2) adversely to the party seeking to enforce a lien upon, right to, or interest in the real estate;

the court rendering the judgment shall order the proper clerk to enter in the lis pendens record a satisfaction of the lien, right, or interest sought to be enforced against the real estate. When the entry is made, the real estate is forever discharged from the lien, right, or interest.

*As added by P.L.2-2002, SEC.15.*

### **IC 32-30-11-8**

#### **Certificate of dismissal or satisfaction in lis pendens record**

Sec. 8. (a) This section applies when:

- (1) an attachment is dismissed or the judgment rendered on it is satisfied; or
- (2) the execution is satisfied without a sale of the lands seized or levied upon, or upon a redemption of the real estate within the time allowed by law after a sale of the real estate upon execution.

(b) The clerk of the court that issued the attachment or execution shall make a certificate of the dismissal or satisfaction and:

- (1) enter the certificate upon the lis pendens record, if the appropriate record is kept in that clerk's office; or
- (2) forward the certificate to the county in which the real estate is located, to be recorded in the lis pendens record of that county.

(c) When the certificate is entered or recorded, the real estate is discharged from the lien of attachment or execution.

*As added by P.L.2-2002, SEC.15.*

### **IC 32-30-11-9**

#### **Constructive notice of certain actions; delayed until required written notices filed with clerk**

Sec. 9. (a) This section applies to the following:

- (1) Suits described in section 2 or 3 of this chapter.
- (2) The seizure of real estate under attachments and the levy of real estate under execution in the cases mentioned in section 5 of this chapter.

(b) Actions referred to in subsection (a) do not:

- (1) operate as constructive notice of the pendency of the suit or of the seizure of or levy upon the real estate; or
- (2) have any force or effect as against bona fide purchasers or encumbrancers of the real estate;

until the notices required by this section are filed with the proper clerk.

*As added by P.L.2-2002, SEC.15.*

**IC 32-30-11-10**

**Orders recorded in lis pendens record; notice**

Sec. 10. (a) This section applies to orders granted by any court or judge in any cause or proceeding, whether upon a hearing or ex parte, that affect the disposition of real estate.

(b) Orders described in subsection (a) may be recorded in the lis pendens record kept in the office of the clerk of the county in which the real estate affected is located.

(c) An order recorded under subsection (b) shall be notice of the matters set forth in the order to all persons that are or may become interested in the real estate, and the provisions of the order take effect upon the real estate against any subsequent disposition of the real estate.

*As added by P.L.2-2002, SEC.15.*