



STEVE MUELLERS' –
SYNDICATE LEGAL SERVICES

LIS PENDENS

Syndicate Legal Services – *Lis Pendens*



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What is Lis Pendens (aka, "Notice of Pendency Action"):

Formerly known as a "Lis Pendens," a Notice of Pendency of Action is a written document, recorded with the county recorder, that provides constructive notice of a pending court action (*i.e. a lawsuit*) that affects title to, or possession of, real property. In essence, a Lis Pendens is a notice of pending litigation against a piece of real property. "Notice of pendency of action' or 'notice' means a notice of the pendency of an action in which a real property claim is alleged." Cal. Code Civ. Proc. § 405.2.

Requirements to file a Lis Pendens action in the State of California:

The action must be pending. In order to record a Lis Pendens in California, an action must first be pending in the proper court. The notice can only be recorded by a party to an action in which a real property claim is alleged. *See Cal. Code Civ. Proc., § 405.20.* It must be signed by the attorney of record in the action, **or** by a party appearing *in pro per* if approved by the judge in the action. *See Cal. Code Civ. Proc., § 405.21.* Neither requirement can be satisfied if no action is pending. A purported Lis Pendens recorded before an action is filed in the proper court is of no effect and can be expunged. If the claim on which the Lis Pendens is based is dismissed, a previously recorded Lis Pendens is ineffective since there is no longer a pending action asserting a real property claim. The "action" to support a Lis Pendens may take the form of a cross-complaint as well as an original complaint on the action. *See Cal. Code Civ. Proc., § 405.1* (defining "claimant" as a party to an action who asserts a real property claim) and *see Cal. Code Civ. Proc. § 405.20* ("A party to an action who asserts a real property claim may record a notice of pendency of action in which that real property claim is alleged").

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The action must involve a real property claim. A Lis Pendens must pertain to an action in which a “real property claim” is alleged. A Lis Pendens may not be filed, and if filed may be expunged, where the action pleaded does not include a “real property claim.” A “real property claim” means a cause of action in a pleading which would, if meritorious, affect title to or possession of specific real property, or the use of an easement identified in the pleading. If no such claim appears in the pleadings, a Lis Pendens is improper, and may be expunged, and no undertaking may be required as a condition of the expungement. There is no requirement that the specific nature of the action appear in the recorded Lis Pendens, however. *see Cal. Code Civ. Proc. § 405.20*

ABOUT OUR MANAGING PARTNER

Mr. Steven Mueller is a Lawyer, Co-Founder & Senior Managing Partner of **Syndicate Legal Services** (www.SteveMuellerLegal.com). Mr. Mueller has more than twenty-five years of Law Office experience, including (but not limited to) 20 years of experience in Corporate & Investment Banking Law; 15 years of experience in Civil Litigation; 5 years of experience in person injury law, family law, and employment law; and 3 years of experience in Criminal Defense Law.

Mr. Mueller is a true pioneer in the Private and Public Capital Markets industry with more than twenty years of industry experience. Mr. Mueller has extensive experience in Alternative Trading Systems and Stock Exchange Legal & Compliance, structuring private and public securities offerings, and coordinating both public and private securities offerings through a syndicate network of FINRA Registered Broker Dealers, Investment Banks and Registered Investment Advisors. As of today, Mr. Mueller has participated approximate 200 IPOs and Rule 144A Equity Offerings, and nearly 2,500 capital markets transactions.

In addition, Mr. Mueller has completed the following courses: BA in Corporate Finance w/ Minor in Accounting (South Carolina); Law School (California Southern Law School); Three Years Law Office Study Program (LA Law, Beverly Hills); Paralegal & Advanced Paralegal Studies Certificates; FINRA series 6, 65 & 7; California Insurance (Property & Casualty, Life & Health, Commercial, Annuity, Earthquake, Flood & Long-Term Care); California Real Estate Sales; California Residential Mortgage; and California Bail Bonds. Mr. Mueller is also a United States Marine Corps Veteran (95-99, honorable discharge after completion of 4yr. tour of duty).



Mr. Steven J. Mueller
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