

Spring 2022 ARTU Q&A

Description

In April of 2000 Jeff Jones obtained a judgment against Duncan Brinker in the amount of \$6,000.00.

In June of 2002 Brinker conveyed Lot 50, Shades of Gray Acres, to Linda Lovelink by deed of gift.

In August of 2005 Lovelink borrowed \$150,000.00 from Bank of Fairfax which secured its loan with a first deed of trust on Lot 50.

In March of 2017 Lovelink defaulted on the note and Bank of Fairfax commenced foreclosure proceedings. A title search reveals the 2000 judgment, and counsel for Bank of Fairfax advises that Jones cannot be located and may be a fugitive, and inquires if the judgment lien still affects the title to the property. As counsel for the title insurance underwriter, how do you advise?

- a. The judgment is still a lien on title.
- b. The judgment is no longer a lien under Virginia's 10 year rule.
- c. The judgment is no longer a lien because Jones cannot be located.
- d. The judgment is no longer a lien if Jones is a fugitive.

Answer: a. The lien is still good. The Virginia 10 year rule only applies to purchasers for value, and Ms. Lovelink was the grantee of a deed of gift. The fact that Jones is unavailable and perhaps a fugitive is not relevant.

Category

- 1. Title Examination
- 2. Uncategorized

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