

ARTU Q & A: Spring/Summer 2021

Description

Question:

- a. In April of 2000, Jeff Jones obtained a judgment against Duncan Brinker in the amount of \$6,000.00, and docketed the judgment in Fairfax County.
- b. In June of 2002, Brinker conveyed Lot 50, Shades of Gray Acres, to Linda Lovelink by deed of gift.
- c. 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.
- d. In March of 2017, Lovelink defaulted on the note, and Bank of Fairfax commenced foreclosure proceedings. A search reveals the 2000 judgment, and counsel for Bank of Fairfax advises that Jones can't be located and may be a fugitive, and inquires if the judgment lien still affects the title to the property.

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 as 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. Education
- 2. Uncategorized

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