

Court and Clerk Records

Access and Maintenance: *Lis Pendens* Notice

Contact: Jeffrey Wiese; email: jeffrey.wiese@courts.in.gov

Note: The Indiana Supreme Court does not hold a *lis pendens* list for the State. Records are held by each county's Clerk.

POLICY AND PURPOSE

The doctrine of *lis pendens* is implemented in Indiana at Ind. Code 32-30-11. The purpose of the doctrine is to provide notice to third persons of previously filed litigation that will impact the property rights of persons in a later filed case.

LIS PENDENS NOTICES ARE CLERK RECORDS

Per Ind. Code 32-30-1-1, a *lis pendens* notice is a public record and is filed with the Clerk of the Circuit Court of a county in which the affected real estate is located. The Clerk is required to maintain a *lis pendens* record in either hard copy form or electronic form. When properly filed, the notice provides notice to all persons that title to property is in dispute, and any subsequent purchaser will be bound by the decision of another court.

Notices that are simply directed for filing in the local litigation do not comply with the requirements of the statute and are without legal effect.

When presented with a *lis pendens* notice, the Clerk is required to:

- record the notice in the *lis pendens* record and
- note upon the record the day and hour when the notice was filed and recorded.

Ind. Code 32-30-11-4.

The Clerk is also required to:

- index the notices by the names of each party whose interest in the real estate might be affected by the case, attachment, or execution, and maintain entries for each notice listing
- the plaintiff versus the names of all the defendants and
- each defendant whose real estate is sought to be affected by the plaintiff's suit.

LIS PENDENS ORDERS

Ind. Code 32-30-11-10 requires the Clerk to record orders entered by a Court in the *lis pendens* record of the county of location of the affected real estate. The orders are effective against any subsequent disposition of real estate.