



State of California
Department of Child Support Services



Real Property Liens

A Resource Guide
for Child Support Professionals

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Child Support Professionals

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State of California
Department of Child Support Services



CALIFORNIA DEPARTMENT OF CHILD SUPPORT SERVICES

P.O. Box 419064, Rancho Cordova, CA 95741-9064



Director's Message

On behalf of the State Department of Child Support Services and the Child Support Directors Association, I am pleased to present Real Property Liens, A Resource Guide for Child Support Professionals.

It is our belief that a state-directed, uniform, and carefully planned and executed training program is essential in ensuring the success of California's child support program.

This resource guide represents another step toward achieving our goal of statewide uniformity and consistency in the application of policies, procedures, and practices.

/s/ Greta Wallace

Greta Wallace
Director



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Special Thanks to **Susan O'Connor**, Nevada County DCSS,
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Chapter 1

Creating Real Property Liens



Introduction

Establishing a lien against the real property interest of an obligor is an immediate enforcement action that a Local Child Support Agency (LCSA) generally must take. A real property lien prevents the obligor from selling, transferring, or refinancing real property in the county where the lien is recorded until the lien is satisfied.

Every order or judgment for child, family, and/or spousal support can be used to create a lien against real property held or later acquired by the obligor in the county where the lien is recorded. The lien must be satisfied or other arrangements made with the LCSA before the obligor can sell or refinance real property encumbered by it.

What is real property?

Real estate or property, such as land and buildings that are permanent, fixed, and immovable.
Title 22, California Code of Regulations, Section 110694 (22 CCR, §110694)

Real property is:

- Land,
- Structures,
- Firmly attached and integrated equipment (such as light fixtures or a well pump),
- Anything growing on the land, and
- All "interests" in the property.



Interest in the property may include the right to:

- Future ownership,
- Occupy the property for a period of time (tenancy or life estate),
- Drill for oil,
- Get the property back (a reversion) if it is no longer used for its current purpose (such as use for a hospital, school, or city hall)
- Use of airspace (condominium), and
- Access another's property through an easement across it.

What is a real property lien?

A charge against real property, as defined in Section 110694, to secure payment of a support obligation at the time of sale or transfer of real property.

22 CCR, §110698

Essentially, a lien means the property has become security for the payment of the debt. A lien is intended to prevent the sale or transfer of the property until the debt is satisfied. A lien carries with it the right to sell property, if necessary, to pay the debt. Any lien against real property must be recorded with the County Recorder to be enforceable.

How does a real property lien work?

When interest in property is transferred in some manner, such as by sale, trade, or refinance, a title company or attorney performs a title search to identify any liens or other encumbrances on the property.

If a child support lien is attached to the property, the LCSA will be contacted to obtain a demand letter which states what amount, if any, must be paid to satisfy or release the lien.



Why must I create a real property lien in child support cases?

California child support regulations require LCSAs to record a lien against an obligor's real property to ensure that the obligor pays what is required by the support order.

What types of child support cases require a real property lien?

You must file a real property lien for:

- Intercounty responding cases,
- Intracounty cases,
- Interstate initiating cases where the obligor is known to have or is likely to acquire real property interests in California, and
- Interstate responding cases.

What property of the obligor is subject to the lien?

All the obligor's real property in the county where the lien is recorded is subject to the lien. Once the lien is recorded it also applies to any other real property the obligor may acquire in that county.



File a lien against the real property of an obligor within 45 days of a qualifying action.

How long do I have to create the lien?

A lien must be filed against the real property of an obligor within 45 calendar days of the date that:

- A money judgment or order is received by the local child support agency,
- A case is opened for enforcement of an existing order or judgment, or
- An existing order is registered for enforcement.



When is a real property lien inappropriate?

- When the order for support is for \$0,
- When the order for support is “reserved” (the court decides to review the issue at a later date), or
- When the obligor has filed for Chapter 13 Bankruptcy. (Exceptions discussed below.)

What happens when the obligor files bankruptcy?

When the obligor files bankruptcy, an automatic stay is created. As a result, generally you are prohibited from filing a real property lien against the obligor until the bankruptcy is discharged or dismissed. However, if the obligor’s real property is not part of the property of the estate, or if you obtain relief from the stay, you can record a real property lien during the period of the bankruptcy. Consult your legal team about seeking relief from the stay.



Never release a pre-petition lien securing a support debt simply because the debtor has sought bankruptcy protection.

How Do I Create A Lien?



To create a real property lien, you must record one of these documents with the county recorder:

- Notice of Support Judgment, DCSS 0239
- Abstract of Support Judgment, Judicial Council Form FL-480
- Certified copy of the order or money judgment
- Federal Notice of Lien, OMB 0970-0153

Notice of Support Judgment

A Notice of Support Judgment, DCSS 0239 (Appendix, Exhibit 1) contains a concise **summary** of a judgment or order for child, family, and/or spousal support. The Notice of Support Judgment has the same force and effect as an Abstract of Support Judgment certified by the court clerk. The following information must be included:

- The title of the court where the judgment is entered and the cause and number of the proceeding.
- The date of entry of the judgment and any renewal of the judgment.
- Where the judgment and any renewals are entered in the records of the court.
- The name and last known address of the party ordered to pay support.
- The name and address of the party to whom the support payments are ordered to be paid.
- The social security number, birth date, and driver's license number of the party who is ordered to pay support, if known. If any of this information is not known, that fact must be indicated on the abstract.
- Whether a stay of enforcement has been ordered by the court, and, if so, the date the stay ends.



Abstract of Support Judgment

As an alternative, you may also use the Abstract of Support Judgment, FL-480 (Appendix, Exhibit 2) to create a real property lien. It *must be certified by the court clerk* where the judgment is entered prior to filing with the County Recorder.

Certified copy of the order or money judgment

A certified copy of the judgment or order may be recorded to create a real property lien. The certified copy of the order or money judgment is used less often since the information contained in both a Notice and an Abstract of Support Judgment is more useful for title searches. Also, the creation of a lien by use of this method may require you to record a certified copy each time there is a modification.

(Federal) Notice of Lien

The (federal) Notice of Lien, OMB 0970-0153 (Appendix, Exhibit 3), is used to create liens on real property interests held by the obligor outside California. A legal description of the property is required. The (federal) Notice of Lien is recorded with the recorder's office in the county where the property is located.



You may record a lien in as many counties and jurisdictions as necessary. There is no limit.

Where do I record the lien?

You must record the lien in:

- The county where the obligor lives.
- The county or counties where the obligor's parents live if known and if different from the county of the obligor.
- Any county where the obligor is known to have acquired real property.
- Any county where the obligor could reasonably be expected to acquire real property.



How much should the lien be for?

A lien on real property created as a result of a judgment or order for support must be for the amount of matured installments, plus any accrued interest and costs as they are added to the judgment or order, less the amount of any sums paid towards the judgment or order.

$$\begin{array}{r}
 \text{Matured Installment(s)} \\
 + \\
 \text{Accrued Interest} \\
 + \\
 \text{Costs} \\
 - \\
 \text{Payments} \\
 = \\
 \text{Lien Amount}
 \end{array}$$

The real property lien does not become a lien for any installment until that installment becomes due and payable under the terms of the judgment or order.

What happens when the support order changes?

Where a lien on real property has been created under a money judgment payable in installments by recording a Notice of Support Judgment, an Abstract of Support Judgment, or a (federal) Notice of Lien, and the support order subsequently increases or decreases in amount, the **lien extends** to the judgment or order as modified. You **do not** need to record another Notice of Support Judgment, Abstract of Support Judgment, or (federal) Notice of Lien.

However, if the support order subsequently **increases** in amount, priority for any additional amount under the judgment dates from the **time the modification is effective**.



How long will the lien last?

A lien on real property created as a result of a support judgment or order is effective as long as the support judgment or order remains enforceable. A support judgment or order for support, reimbursement, or other arrearages, including accrued interest and penalties, is enforceable until it is paid in full. A lien on real property will therefore be in effect until **all support obligations under that judgment or order are paid in full or otherwise satisfied.**



What happens if the obligor transfers or encumbers property that has a lien?

If the obligor transfers or encumbers real property that has a lien on it, the lien remains attached to the property.

A lien gives subsequent purchasers and encumbrances constructive notice. Therefore, they take the property and/or interest in the property subject to the lien in the amount of the lien at the time of the transfer or encumbrance, plus any interest accruing thereafter.

Chapter 2

Satisfaction of Judgment



Use Acknowledgment of Satisfaction of Judgment, EJ-100, for full or partial satisfaction of judgment or a matured installment satisfaction of judgment

Introduction

When an obligor's support obligation has been satisfied, in whole or in part, whether from the proceeds of an escrow or otherwise, you will, depending upon the circumstances, prepare one of the following:

- Full satisfaction of judgment.
- Partial satisfaction of judgment.
- Matured installment satisfaction of judgment.

You are required to file an Acknowledgment of Satisfaction of Judgment, EJ-100 (Appendix, Exhibit 4), with the court in any county in which a Notice of Support Judgment, Abstract of Support Judgment, certified copy of the judgment or order, or (federal) Notice of Lien was filed. You are required to give to the obligor a certified copy of the Acknowledgment of Satisfaction of Judgment that was filed.*

Typically, the escrow or title company will record the Acknowledgment of Satisfaction of Judgment if the obligor's obligation has been satisfied through proceeds from a real estate transaction that it handled.

* Note: [22 CCR, §116132(a) (1) & (2)]: "Upon satisfaction of a support obligation, a local child support agency shall...file an acknowledgment of satisfaction of judgment with the court, and provide the obligor with an Acknowledgment of Satisfaction of Judgment that can be recorded in any county, or certified copy of the judgment [that] was filed."



What is full satisfaction of judgment?

Full satisfaction of judgment means that the obligor has complied with and fulfilled all obligations arising under the judgment or order. The following conditions have occurred:

- The obligor has paid all support arrears in full.
- All the children in the support order have been emancipated, adopted away from the obligor, or are deceased.

Use Acknowledgment of Satisfaction of Judgment, EJ-100, to prepare a full satisfaction of judgment.



Tips for completing the Acknowledgment of Satisfaction of Judgment, EJ-100, for full satisfaction of judgment.

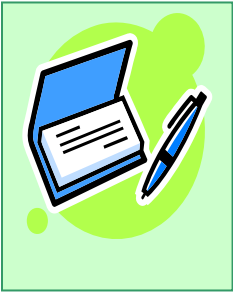
Enter the following as appropriate:

- Check the “FULL” box at the top of the form, and then check box “1.a.” and box “(1)” under 1.a to indicate that the judgment is satisfied in full.
- Names and addresses of the judgment creditors.
- Names and addresses of assignees or records.
- Name and address of judgment debtor.
- Date judgment was entered.
- Information for each of the counties where Abstract of Support Judgment, Notice of Support Judgment, or certified copy of the judgment was recorded.

In a **non-welfare case**, the custodial party may accept some payment or performance other than what is specified in the judgment in full satisfaction of the judgment. In those cases, on Acknowledgment of Satisfaction of Judgment, EJ-100, check box “(2)” under box 1.a. instead of box “(1)” to indicate that some payment or performance, other than payment in full, is being accepted in full satisfaction of the judgment.

An LCSA representative must sign the Acknowledgment of Satisfaction of Judgment for all cases in which the support obligation is enforced by the LCSA. The custodial party is not required to sign.





What is partial satisfaction of a judgment?

Partial satisfaction of judgment means a specified amount has been paid toward the judgment. The partial satisfaction of judgment itself must specifically state the dollar amount received in partial satisfaction of the judgment.

When is partial satisfaction appropriate?

An Acknowledgement of Satisfaction of Judgment for a partial satisfaction may be appropriate when all support arrears have been paid in full and all children subject to the support order have not emancipated, but there is no order for current support. For example: A judgment is for a fixed sum of child support arrears and ongoing child support is “reserved”.



Tips for completing Acknowledgment of Satisfaction of Judgment, EJ-100, for partial satisfaction of judgment

Enter the following as appropriate:

- Check the “PARTIAL” box, and mark box “1.b.”
- Enter amount received in partial satisfaction of the judgment.
- Enter other required information.

An LCSA representative must sign the Acknowledgment of Satisfaction of Judgment for all cases in which the support obligation is enforced by the LCSA. The custodial party is not required to sign.



What is a matured installment satisfaction of a judgment?

This means all installments due and owing, plus any accrued interest and costs, have been paid through the date specified on the satisfaction. A matured installment satisfaction of judgment is used when all support arrears have been paid in full and some or all of the children in the support order have not reached emancipation.

Typically, you will prepare a matured installment satisfaction of judgment when a request has been made by a representative of a title or escrow company, an obligor, or a custodial party.



Tips for completing Acknowledgment of Satisfaction of Judgment, EJ-100, for matured installment

- Check “MATURED INSTALLMENT” box at top of form.
- Mark box “1.c.” designated for matured installment.
- State date in which all matured installments under the judgment or order were satisfied.
- Provide other required information.

In all cases where the support obligation is being enforced by the LCSA, the Acknowledgment of Satisfaction of Judgment for a matured installment must be signed by an LCSA representative. However, the custodial party's signature is not required under current state regulation.



Chapter 3

Release of Real Property Liens



When the LCSA prepares the Release of Judgment Lien form, DCSS 0240, and provides it to the obligor to record with the county recorder, the Acknowledgment form (page 2) will also be required.

What is a Release of Judgment Lien?

A Release of Judgment Lien, DCSS 0240 (Appendix, Exhibit 5), is recorded when the LCSA is no longer claiming any interest in the real property of the obligor in the county where the release is recorded. However, recording a Release of Judgment Lien does not necessarily mean that the judgment or order has been satisfied.

A Release of Judgment Lien does not:

- Affect the amount of support owed by the obligor either when it is recorded or in the future.
- Prevent the LCSA from subsequently recording another real property lien in the same county where the lien was previously released.



The second page of the DCSS 0240 will provide a space for necessary notarization. The exemption from the requirement to have the document notarized only applies when the DCSS 0240 is recorded by the LCSA.

When must I prepare a Release of Judgment Lien?

You must prepare a Release of Judgment Lien when:

- A **written demand** is received from a property owner with proof to the satisfaction of the LCSA that the property encumbered by the real property lien is owned by a person who is not the obligor. You must prepare and record a Release of Judgment Lien within **15 days of receipt** of a written demand and proof.
- All support **arrears** for which the LCSA provided enforcement services **have been paid in full and case closure is appropriate**. The LCSA must prepare a Release of Judgment Lien and give it to the obligor within 5 days of the determination that the case should be closed.



- The LCSA has received a **court order** to deliver to the property owner a recordable document releasing the lien, unless the order has been appealed and the action ordered is stayed pending appeal. You must prepare and deliver the Release of Judgment Lien within **15 days from receipt** of the court order, or any other time frame established by the court order, whichever is less.

Note: There are two types of releases identified in regulations: General and specific. The “specific release” may also be referred to as a “partial release.”

What is a specific (partial) release of lien?

A specific (partial) release of lien is used when the LCSA is releasing its lien on a particular piece of property, but not on all real property interests held by an obligor in the county where the lien is recorded.

When must I prepare a specific (partial) release of lien?

In determining if a specific (partial) release of lien is appropriate you should consider:

- Type of transaction involved.
- Obligor’s equity in the property.
- Obligor’s other income and assets available to satisfy the lien.
- Obligor’s ability to obtain a loan to satisfy any remaining arrears.

Example:

An obligor is attempting to sell his or her home rather than go into foreclosure. A foreclosure could mean the LCSA would not recover any money for child support arrears. The LCSA may accept partial payment to release the lien for that specific piece of property in lieu of payment in full.

If the LCSA accepts partial payment in consideration for a specific (partial) release of lien, the arrears not paid on the lien would still remain due and payable and would be satisfied by other assets of the obligor and by other enforcement actions.

If the LCSA partially releases its lien on a specific piece of property owned by the obligor, the LCSA must state the legal description of the property that is being released on the Release of Lien document.



A general or specific (partial) release of lien does not mean the judgment has been satisfied. For the lien to be released, the obligor must record it in each county that the LCSA recorded a real property lien. When there is a written demand pursuant to 22 CCR, §116134(a) the LCSA must record the release in each county in which a lien was recorded.

Release of Judgment Liens			
Action	What You Need	Action You Must Take	Timeframe
Written demand from property owner submitted to LCSA	Proof that encumbered property not owned by obligor	Record Release of Judgment Lien	Within 15 days of receipt of written demand and proof
All support arrears paid in full	Recommendation for case closure	Deliver Release of Judgment Lien to obligor	Within 5 days of determination that case should be closed
Court orders the Release of Judgment Lien.	Court order	Deliver Release of Judgment Lien to obligor (unless the order has been appealed and the action is stayed pending the appeal)	Within 15 days from receipt of court order or timeframe established by the court, whichever is less

Use Release of Judgment Lien, DCSS 0240, for general or specific (partial) releases of real property liens.

The form instructs the obligor to record the release of judgment lien in each county in which the LCSA recorded a real property lien.



How are priorities set for multiple real property liens on a property?

When there are two or more real property liens recorded against the real property interests of an obligor in a county, the priority in which competing liens are paid is determined by state law.

Generally, priorities depend upon various factors such as the dates the liens were created and the types of underlying judgments or orders that created the liens. You should direct your questions related to competing real property liens to your LCSA attorney.

What is subordination?

LCSA legal review is required for all subordination agreements.

Subordination, as it relates to real property, refers to the establishment of priority between different liens, encumbrances, interests, and claims on the same parcel of land. You may subordinate a child, family, or spousal support lien to another lien encumbrance, claim, or interest on all or a part of the real property subject to the support lien.

It may be appropriate to subordinate a child support lien when the obligor is refinancing a mortgage and the new lender requires priority of the refinanced loan over the existing child, family, or spousal support lien. Typically, you will subordinate the support lien only when the obligor is not receiving any monies upon close of escrow.



Subordination may be inappropriate if the obligor is taking equity out of the real property or other loans are being paid off as a result of the refinancing.

There is no Judicial Council form for a subordination of lien. If the LCSA agrees to subordinate its lien, normally an escrow or title company will draft the subordination agreement. As such, the subordination agreement must be reviewed by an LCSA attorney.



Chapter 4

Substitution of Payee



What is substitution of payee?

Substitution of payee is a legal process that provides notice that payments made under a judgment or order for support should be made to an individual or Title IV-D agency other than originally specified in the judgment or order for support. It also provides notice that the substituted payee is to be contacted when notice to a lien holder may begin.

LCSAs are authorized under state law to record a substitution of payee in cases where a judgment or order for support exists directing payment to the custodial party and the LCSA intervenes to enforce some or all of the support obligations.

Use the mandatory Judicial Council Form FL-632, *Notice Regarding Payment of Support*, to prepare a Substitution of Payee.

When should I file a Notice Regarding Payment of Support for substitution of payee?

You should file a Notice Regarding Payment of Support, FL-632 (Appendix, Exhibit 6), in the following circumstances:

- LCSA is enforcing the judgment or order for support and needs to direct payments elsewhere, either to the custodial party or another Title IV-D agency.
- A non-welfare custodial party has requested that the LCSA close the case, and the unassigned current support and/or unassigned arrears are due to the custodial party.

Note: The LCSA must obtain permission from the custodial party to disclose a mailing address to the obligor for payments before preparing a Notice Regarding Payment of Support. The address for payment provided by the custodial party will be on the Notice Regarding Payment of Support.



- It has been determined that all of the support arrears for which the LCSA has provided enforcement services have been paid in full, but the custodial party alleges that support arrears are still owing. **Note:** The LCSA is also required to obtain permission from the custodial party to disclose a mailing address to the obligor for payments before preparing a Notice Regarding Payment of Support.
- The case is transferred to another LCSA in California for Title IV-D services. **Note:** The transferring LCSA is required to prepare, file and record with the county recorder a Notice Regarding Payment of Support which specifies the LCSA that is enforcing the case and that payments for current support and arrears are to be paid to the California State Disbursement Unit. For LCSAs that have transitioned to the California Child Support Automation System – V2, follow the Duplicate Case Transfer process outlined in CSS Letter 07-11 (<http://www.childsup.ca.gov/css07.asp>).



The Notice Regarding Payment of Support, FL-632, that initiates substitution of payee must contain the following information:

- The name and address of the governmental agency or substitute payee filing the substitution.
- A notice that the substitute payee is to be contacted when notice to a lien holder may be given.
- The title of the court, the cause, and number of the proceeding where the substitute payee has registered the judgment.
- The name and last known address of the party ordered to pay support.
- The recorder identification number or book and page of the recorded document to which the substitution of payee applies.
- Any other information deemed reasonable and appropriate by the Judicial Council.

You do not have to get prior court approval or a clerk's certification when filing and recording a Notice Regarding Payment of Support.

A recorded Substitution of Payee does not affect the priorities created by earlier recordings of Notice of Support Judgments, Abstract of Support Judgments, or certified copies of judgments.



Chapter 5

Interstate Real Property Liens



On January 1, 1998 the Uniform Interstate Family Support Act (UIFSA) became effective in all 50 states. In order to create more uniformity and consistency and to expedite and improve enforcement actions in interstate cases, the federal Office of Child Support Enforcement (OCSE) developed several federal interstate forms for use by the States. One of the interstate forms for enforcement is the (federal) “Notice of Lien,” OMB 0970-0153. The (federal) Notice of Lien (Appendix, Exhibit 3) is used to create liens on real property owned by obligors in states outside of California.

When must I create an interstate lien?

You must record a (federal) Notice of Lien in another state when the:

- Custodial party resides in California and the obligor resides in a state outside of California and the LCSA has not requested enforcement by another state under the provisions of UIFSA;
- or
- Obligor resides in California, but owns real property in state(s) other than California.

How do I record a (federal) Notice of Lien?

The (federal) Notice of Lien requires a specific description of the property and must be recorded in the specific county or jurisdiction where the real property is located. Although you are required to include a specific legal description of the property, the lien should

Specific legal description – idea that each locality has its own unique way of describing land –

Additional information such as instructions for completing the (federal) Notice of Lien form can be found at the following OCSE website:

<http://www.acf.hhs.gov/index.html> or
<http://www.courtinfo.ca.gov/>



attach to all real property interests of the obligor in the county or jurisdiction where the (federal) Notice of Lien is recorded.

You will send the (federal) Notice of Lien directly to the proper recorder's office or department of the local jurisdiction in the state in which the obligor owns an interest in real property. The procedures of the state where the real property of the obligor is located will determine which office or department in that state is the appropriate one to receive the lien for recording. The LCSA issuing the (federal) Notice of Lien is responsible for recording the lien with the appropriate office or department.



Do not send the Notice of Lien through the Central Registry or Title IV-D Office of the other state.

How do I release an interstate lien?

Use Release of Judgment Lien, DCSS 0240, in states where it is accepted, to release an interstate lien.

The laws and procedures of the state where the lien was recorded control the release of the lien. You should contact the other state to make sure that any form prepared for the release of a lien complies with the requirements of that state.

You may use the Release of Judgment Lien, DCSS 0240, in those states where it is accepted. On the release, identify what lien is to be released by including the recording information provided by the office or department that recorded the (federal) Notice of Lien. Provide a properly completed Release of Judgment Lien to the obligor and to the office or department that recorded the (federal) Notice of Lien.



Appendix

Forms

Exhibit 1

Notice of Support Judgment, DCSS 0239

Exhibit 2

Abstract of Support Judgment, FL-480

Exhibit 3

(Federal) Notice of Lien, OMB 0970-0153

Exhibit 4

Acknowledgment of Satisfaction of Judgment, EJ-100

Exhibit 5

Release of Judgment Lien, DCSS 0240

Exhibit 6

Notice Regarding Payment of Support, FL-632

Regulations

Exhibit 7

**California Code of Regulations, Title 22, Division 13, Article,
Enforcement Actions – Excerpts specific to Real Property
Liens**



Exhibit 1

Notice of Support Judgment, DCSS 0239



RECORDING REQUESTED BY

COUNTY CODE: _____

WHEN RECORDED MAIL TO

NOTICE OF SUPPORT JUDGMENT

ATTORNEY OR PARTY WITHOUT ATTORNEY (<i>Name and Address</i>): <input checked="" type="checkbox"/> Recording requested by and return to: TELEPHONE NO.: [PHONE_LCSA] <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR RECORDER'S USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	

ABSTRACT OF SUPPORT JUDGMENT	CASE NUMBER:
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1. The <input type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of a support judgment and represents the following: a. Judgment debtor's Name and last known address _____ _____ b. Driver's license No. and state: <input type="checkbox"/> unknown c. Social Security number: <input type="checkbox"/> unknown d. Birthdate: [DOB_NCP] <input type="checkbox"/> unknown	FOR COURT USE ONLY (This document is a notice under Family Code Section 4506. Court stamp not required.) Any electronic signature affixed below has been officially adopted by the requesting governmental agency.
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

Date: _____ (TYPE OR PRINT NAME)		_____ (SIGNATURE OF APPLICANT OR ATTORNEY)
-------------------------------------	--	-----------------------------------------------

- | | |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.
3. Judgment creditor (<i>name</i>):

4. <input checked="" type="checkbox"/> The support is ordered to be paid to the following county officer (<i>name and address</i>): | 5. Judgment debtor (<i>full name as it appears in judgment</i>):

6. a. A judgment was entered on (<i>date</i>):
b. Renewal was entered on (<i>date</i>):
c. Renewal was entered on (<i>date</i>):
7. <input type="checkbox"/> An execution lien is endorsed on the judgment as follows:
a. Amount: \$
b. In favor of (<i>name and address</i>):

8. A stay of enforcement has
a. <input checked="" type="checkbox"/> not been ordered by the court.
b. <input type="checkbox"/> been ordered by the court effective until (<i>date</i>):
9. <input type="checkbox"/> This is an installment judgment. |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

[Seal]

This document is a notice under Family Code Section 4506. No court seal required.

This abstract issued on (*date*): No date required under FC § 4506.

This document is a notice under Family Code section 4506.
 Clerk, by No signature required. , Deputy

Exhibit 2

Abstract of Support Judgment, FL-480



ATTORNEY OR PARTY WITHOUT ATTORNEY <i>(Name and Address):</i> <input type="checkbox"/> Recording requested by and return to: TELEPHONE NO.: <input type="checkbox"/> ATTORNEY FOR <input type="checkbox"/> JUDGMENT CREDITOR <input type="checkbox"/> ASSIGNEE OF RECORD	FOR RECORDER'S USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT:	
ABSTRACT OF SUPPORT JUDGMENT	CASE NUMBER:
1. The <input type="checkbox"/> judgment creditor <input type="checkbox"/> assignee of record applies for an abstract of a support judgment and represents the following: a. Judgment debtor's Name and last known address <div style="margin-left: 40px;"> <input style="width: 100px; height: 20px;" type="text"/> </div> <div style="margin-left: 40px; margin-top: 10px;"> <input style="width: 100px; height: 20px;" type="text"/> </div> b. Driver license No. and state: c. Social security number: d. Birth date:	FOR COURT USE ONLY <input type="checkbox"/> Unknown <input type="checkbox"/> Unknown <input type="checkbox"/> Unknown

Date: _____ ▶ _____
(TYPE OR PRINT NAME) (SIGNATURE OF APPLICANT OR ATTORNEY)

- | | |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 2. I CERTIFY that the judgment entered in this action contains an order for payment of spousal, family, or child support.
3. Judgment creditor <i>(name):</i>

whose address appears on this form above the court's name.

4. <input type="checkbox"/> The support is ordered to be paid to the following county officer <i>(name and address):</i> | 5. Judgment debtor <i>(full name as it appears in judgment):</i>

6. a. A judgment was entered on <i>(date):</i>
b. Renewal was entered on <i>(date):</i>
c. Renewal was entered on <i>(date):</i>

7. <input type="checkbox"/> An execution lien is endorsed on the judgment as follows:
a. Amount: \$
b. In favor of <i>(name and address):</i> |
|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

[SEAL]

This abstract issued on
(date):

8. A stay of enforcement has
 a. not been ordered by the court.
 b. been ordered by the court effective until *(date)*
 9. This is an installment judgment.
- Clerk, by _____, Deputy

Exhibit 3

(Federal) Notice of Lien, OMB 0970-0153



NOTICE OF LIEN

TO:
(Name/Address of recorder or asset holder)

Obligor:
(Name/Address/DOB/SSN)

FROM:
(IV-D Agency or name of obligee
and/or his or her private attorney or entity acting on behalf of the obligee,
address, phone, e-mail address, fax number)

Obligee:
(Name)

IV-D Case #:

This lien results from a child support order, entered on _____ by _____
in _____ tribunal number _____.

As of _____, the obligor owes unpaid support in the amount of \$ _____. This judgment
may be subject to interest.

Prospective amounts of child support, not paid when due, are judgments that are added to the lien
amount. This lien attaches to all non-exempt real and/or personal property of the above-named
obligor which is located or existing within the State/county of filing, including any property
specifically described below.

Specific description of property:

All aspects of this lien, including its priority and enforcement, are governed by the law of the State where the property is located. An obligor must follow the laws and procedures of the State where the property is located or recorded. An obligor may also contact the entity sending the lien. This lien remains in effect until released or withdrawn by the obligee or in accordance with the laws of the State where the property is located.

Note to Lien Recorder: Please provide the sender with a copy of the filed lien, containing the recording information, at the address provided above.

Check either "A" or "B" below. The option that does not apply may be omitted from the form. If "B" is checked, the form must be notarized.

A. Submitted by a IV-D agency/office on behalf of the named obligee

As an authorized agent of a State or Tribal, or subdivision of a State or Tribal, agency responsible for implementing the child support enforcement program set forth in Title IV, Part D, of the Federal Social Security Act (42 U.S.C. 651 et seq.), I have authority to file this child support lien in any State, or U.S. Territory. For additional information regarding this lien, including the pay-off amount, please contact the authorized agency and reference its case number, both listed above.

Date

Authorized Agent

Print name, e-mail address, phone and fax number

B. Submitted by an obligee or a private (non-IV-D) attorney or entity on behalf of an obligee

I am the obligee of the above referenced order [or]
 an attorney or entity representing the above named obligee

I certify under penalty of perjury that the information contained in this notice is true and accurate and that this lien is submitted in accordance with the laws of the State of _____. For additional information regarding this lien, including the pay-off amount, please contact the obligee listed above.

Date

Signature

Print name, e-mail address, phone and fax number

Notary State: _____

County: _____

I certify that _____ appeared before me and is known to me as the individual who signed the above.

Date: _____

Notary Public

My appointment expires _____

Notice: Respondents are not required to respond to this information collection unless it displays a valid OMB control number. The average burden for responding to this information collection is estimated at 30 minutes. If you believe this estimate is inaccurate, or if you have ideas to reduce this burden, please provide comment to the issuing agency.

OMB Control #: 0970-0153 Expiration Date: 01/31/2008

Notice of Lien

TO: (1)
(Name/Address of recorder or asset holder)

Obligor: (2)
(Name/Address/DOB/SSN)

FROM: (3)
(IV-D Agency or name of obligee
and/or his or her private attorney,
or entity acting on behalf of the obligee,
address, phone, e-mail address, fax number)

Obligee: (4)
(Name)

IV-D Case #: (5)

This lien results from a child support order, entered on _____(6)_____ by _____(7)_____ in _____(8)_____ tribunal number _____(9)_____.

As of ___(10)_____, the obligor owes unpaid support in the amount of \$ ___(11)_____. This judgment may be subject to interest.

Prospective amounts of child support, not paid when due, are judgments that are added to the lien amount. This lien attaches to all non-exempt real and/or personal property of the above-named obligor which is located or existing within the State/county of filing, including any property specifically described below.

Specific description of property:

(12)

All aspects of this lien, including its priority and enforcement, are governed by the law of the State where the property is located. An obligor must follow the laws and procedures of the State where the property is located or recorded. An obligor may also contact the entity sending the lien. This lien remains in effect until released or withdrawn by the obligee or in accordance with the laws of the State where the property is located.

Note to Lien Recorder: Please provide the sender with a copy of the filed lien, containing the recording information, at the address provided above.

Check either "A" or "B" below. The option that does not apply may be omitted from the form. If "B" is checked, the form must be notarized.

A. [(13)] Submitted by a IV-D agency/office on behalf of the named obligee

As an authorized agent of a State or Tribal, or subdivision of a State or Tribal, agency responsible for implementing the child support enforcement program set forth in Title IV, Part D, of the Federal Social Security Act (42 U.S.C. 651 et seq.), I have authority to file this child support lien in any State, or U.S. Territory. For additional information regarding this lien, including the pay-off amount, please contact the authorized agency and reference its case number, both listed above.

_____(14)_____
Date

_____(15)_____
Authorized Agent

Print name, e-mail address, phone and fax number

B. [(16)] Submitted by an obligee or a private (non-IV-D) attorney or entity on behalf of an obligee

I am the obligee of the above referenced order [or]
 an attorney or entity representing the above named obligee

I certify under penalty of perjury that the information contained in this notice is true and accurate and that this lien is submitted in accordance with the laws of the State of _____. For additional information regarding this lien, including the pay-off amount, please contact the obligee listed above.

_____(14)_____
Date

_____(17)_____
Signature

Print name, e-mail address, phone and fax number

Notary State: _____ (18) _____

County: _____ (18) _____

I certify that _____ appeared before me and is known to me as the individual who signed the above.

Date: _____

Notary Public

My appointment expires _____

Notice: Respondents are not required to respond to this information collection unless it displays a valid OMB control number. The average burden for responding to this information collection is estimated at 30 minutes. If you believe this estimate is inaccurate, or if you have ideas to reduce this burden, please provide comment to the issuing agency.

OMB Control #: 0970-0153 Expiration Date: 01/31/2008

Instructions for the Notice of Lien

Purpose of This Form: 42 USC 654(9)(E) requires all IV-D programs to use the Notice of Lien form in interstate cases. IV-D programs may also use the form to impose liens in intrastate cases. This form may also be used for non-IV-D orders by an obligee or his or her private attorney. This form may be used to assert liens on assets discovered through the Financial Institution Data Match process. **Please note that the expiration date on this form is the Office of Management and Budget expiration date, not the expiration date of the lien itself.**

Whose Laws Apply?: All aspects of this lien, including its priority and enforcement, are governed by the law of the State where the property is located. Issue the lien to secure debts for past-due support upon identifying, in another State, nonexempt real or personal property belonging to the obligor. The laws and procedures of the State where the property is located or recorded determine which office or entity in that State is the appropriate one to receive the lien for filing. It is the responsibility of the agency/office or private attorney issuing the lien to file it with the appropriate entity.

Release of Lien: To release a previously-filed lien (e.g., upon receipt of full payment, or partial payment with an acceptable agreement to repay remaining balance, etc.) the original issuing State shall use its existing local release of lien form. A copy of the release of lien should be provided to the obligor. Identify the lien to be released by including the recording information provided by the office or entity that filed the lien (Lien Recorder). The laws and procedures of the State where the lien is filed control the release of the lien.

To complete this form:

1. In the “TO” field place the name and address of the recorder (i.e., County Auditor, Clerk of Court, DMV, etc.) or asset holder (i.e., Financial Institution, Estate Executor, Trustee, etc.) to which you are sending the lien.

NOTE: The procedures of the State where the property is located determine which person or entity in that State is the appropriate one to receive the lien for filing. It is the responsibility of the person/entity/agency submitting the lien to file/serve it correctly.

2. In the “OBLIGOR” field place the obligor's full name, address, date of birth (if known) and social security number (if known). Include known aliases or multiple social security numbers used by the obligor.

3. In the “FROM” field insert the name, address, e-mail address and phone/fax numbers of the person or entity that is submitting this lien.

4. In the “OBLIGEE” field insert the obligee’s full name. Note that the obligee may be the individual obligee, a public IV-D agency, or a private attorney, person or entity with a proper assignment from the individual obligee.

5. In the “IV-D Case #” field, enter the number/identifier identical to the one submitted on the Federal Case Registry, which is a left-justified 15-character alphanumeric field, allowing all characters except asterisk and backslash, and with all characters in uppercase.
6. In the space following “entered on”, insert the date of entry of the order that is the basis for the lien.
7. In the space following “by”, identify the tribunal that issued the support order that is being used to determine the amount of the lien. A tribunal is a court, administrative agency, or quasi-judicial entity that has the authority to establish, enforce, and modify child support obligations.
8. In the space following “in”, identify the location (State/county) of the tribunal that issued the support order that is being used to determine the amount of the lien.
9. In the space following “tribunal number”, identify the tribunal docket, jacket or file number of the support order that is used to determine the amount of the lien.
10. In the space following “As of”, insert the date of the debt calculation that is used in determining the amount of the lien.
11. In the space following “amount of \$”, insert the lien amount (the amount of the past-due support obligation owed when the lien is prepared). Interest may be included in the lien amount if permitted under the law of the State where the lien is filed.
12. In the space following “Specific description of property”, identify any specific property that you want the lien to attach to. Use the legal description of real property and, when the target of the lien is personal property, always provide the most specific identifying information available, including the location of the property, if known. (For example, include the make/model/year/appropriate registration numbers (if known), as opposed to referring to such personal property as “farm equipment”). For Financial Institutions, list the account numbers.
13. Check “A” if the lien is submitted by a IV-D agency and check “B” if the lien is submitted by an obligee or his or her private attorney.
14. Provide the date the lien is signed on the line provided above “date”.
15. If “A” is checked, the appropriate individual should sign the lien on the line above “Authorized Agent”. Type or print the name of the agent signing the lien below their signature. Include the agent’s name, e-mail address (if available) and phone and fax numbers. If “A” is checked, the form does not need to be notarized. Note that, in IV-D cases, the pay-off amount will be available only from the IV-D agency.
16. If “B” is checked, the appropriate individual should sign the lien on the line above the two check boxes and should check the appropriate box. Type or print the name of the person signing the lien below their signature. Include the person’s name, e-mail address (if available) and phone and fax numbers.

17. If “B” is checked, the signature of the party signing the lien must be notarized.
18. In the spaces following “Notary State” and “County”, insert the name of the State and County (if applicable) where the notary is commissioned.
19. Send a copy of the lien to the obligor at his/her last known address.

Exhibit 4

Acknowledgment of Satisfaction of Judgment, EJ-100



ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, State Bar number, and address):
After recording return to:

TELEPHONE NO.:
FAX NO. (Optional):
E-MAIL ADDRESS (Optional):
ATTORNEY FOR (Name):

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

FOR RECORDER'S OR SECRETARY OF STATE'S USE ONLY

PLAINTIFF:

DEFENDANT:

CASE NUMBER:

ACKNOWLEDGMENT OF SATISFACTION OF JUDGMENT

FULL PARTIAL MATURED INSTALLMENT

FOR COURT USE ONLY

1. Satisfaction of the judgment is acknowledged as follows:

- a. Full satisfaction
 - (1) Judgment is satisfied in full.
 - (2) The judgment creditor has accepted payment or performance other than that specified in the judgment in full satisfaction of the judgment.
- b. Partial satisfaction
The amount received in partial satisfaction of the judgment is \$
- c. Matured installment
All matured installments under the installment judgment have been satisfied as of (date):

2. Full name and address of judgment creditor:*

3. Full name and address of assignee of record, if any:

4. Full name and address of judgment debtor being fully or partially released:*

5. a. Judgment entered on (date):

b. Renewal entered on (date):

6. An abstract of judgment certified copy of the judgment has been recorded as follows (complete all information for each county where recorded):

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER
--------	-------------------	-------------------

7. A notice of judgment lien has been filed in the office of the Secretary of State as file number (specify):

NOTICE TO JUDGMENT DEBTOR: If this is an acknowledgment of full satisfaction of judgment, it will have to be recorded in each county shown in item 6 above, if any, in order to release the judgment lien, and will have to be filed in the office of the Secretary of State to terminate any judgment lien on personal property.

Date: ▶ _____
(SIGNATURE OF JUDGMENT CREDITOR OR ASSIGNEE OF CREDITOR OR ATTORNEY)**

*The names of the judgment creditor and judgment debtor must be stated as shown in any Abstract of Judgment which was recorded and is being released by this satisfaction. ** A separate notary acknowledgment must be attached for each signature.

Exhibit 5

Release of Judgment Lien, DCSS 0240



RECORDING REQUESTED BY

COUNTY CODE: _____

WHEN RECORDED MAIL TO

FOR RECORDER'S USE ONLY

SUPERIOR COURT OF CALIFORNIA, COUNTY OF

STREET ADDRESS:
MAILING ADDRESS:
CITY AND ZIP CODE:
BRANCH NAME:

PETITIONER/PLAINTIFF:
RESPONDENT/DEFENDANT:

RELEASE OF JUDGMENT LIEN

GENERAL **SPECIFIC PROPERTY**

CASE NUMBER:

1. Judgment creditor or Judgment creditor's assignee (*name and address*):
[NAME_DCSS_EMPLOYEE] [TITLE]
[NAME_COUNTY] COUNTY DEPARTMENT OF CHILD SUPPORT SERVICES
[ADDRESS_MAILING]

2. Judgment debtor (*name and address*):
[NAME_NCP]
[ADDRESS_NCP]

3. A judgment was entered at (*name of court*):
Case number: _____ Judgment was entered on (*date*): _____
Renewal(s) entered on (*dates*): _____

4. An abstract has been recorded as follows:

COUNTY	DATE OF RECORDING	INSTRUMENT NUMBER	BOOK NUMBER	PAGE NUMBER
--------	-------------------	-------------------	-------------	-------------

5. The Local Child Support Agency (LCSA) hereby releases the lien created as specified below.

a. **GENERAL**: This release applies to all property of the debtor subject to the lien.

b. **SPECIFIC PROPERTY**: This release only applies to the debtor's interest in the following property (*specify*):

c. **This release is not a satisfaction of the judgment.** By release of the lien, the LCSA makes no statement as to the judgment debtor's compliance with the judgment. This release of lien does not affect the amount of support owed now or in the future.

6. **NOTICE TO JUDGMENT DEBTOR:** This release of judgment lien will have to be recorded in each county shown above in order to release the judgment lien.

(Date): _____
By _____
(TYPE OR PRINT NAME)

 _____
(REPRESENTATIVE OF THE LOCAL CHILD SUPPORT AGENCY)

PETITIONER/PLAINTIFF: _____ RESPONDENT/DEFENDANT:	CASE NUMBER:
---------------------------------------------------------	--------------

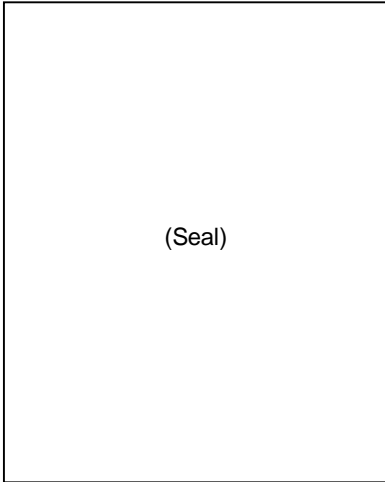
ACKNOWLEDGMENT

ACKNOWLEDGMENT BY NOTARY COURT CLERK
 STATE OF CALIFORNIA
 COUNTY OF _____

On _____, before me _____, a

Notary Public
 Deputy Clerk of the Superior Court, in and for the County of _____ State of California
 personally appeared _____ of the County of _____, a political
 subdivision of the State of California

personally known to me or proved to me on the basis of satisfactory evidence to be the person whose name is
 subscribed to the within instrument and acknowledged to me that he/she executed the same in his/her authorized capacity, and that
 by his/her signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument.
 WITNESS my hand and official seal.



Signature of Notary Public: _____

Clerk of the Superior Court, County of _____ State of California

By:
 Deputy _____

Exhibit 6

Notice Regarding Payment of Support, FL-632



GOVERNMENTAL AGENCY (under Family Code, §§ 17400, 17406): <input type="checkbox"/> RECORDING REQUESTED BY AND WHEN RECORDED MAIL TO: TELEPHONE NO.: _____ FAX NO.: _____	FOR RECORDER'S USE ONLY
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS: MAILING ADDRESS: CITY AND ZIP CODE: BRANCH NAME:	FOR COURT USE ONLY
PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	
<p style="text-align: center;">NOTICE REGARDING PAYMENT OF SUPPORT</p> <input type="checkbox"/> NOTICE OF ASSIGNED SUPPORT <input type="checkbox"/> SUBSTITUTION OF PAYEE	CASE NUMBER: _____

1. The obligor (the judgment debtor) in this proceeding is *(name and last known address)*:

2. The local child support agency is providing services in this proceeding under title IV-D of the Social Security Act.
3. The local child support agency is no longer providing services as follows:
 - a. No longer enforcing current support only—arrearages will continue to be paid to the local child support agency
 - b. No longer providing any services
4. The local child support agency gives notice that
 - a. the governmental agency specified in the top left box is substituted as payee.
 - b. the judgment debtor must make all current support payments in this proceeding to *(specify)*:

 c. the judgment debtor must make all payments on arrearages in this proceeding to
 - (1) the payee named in item 4b.
 - (2) other *(specify)*:
 - d. an abstract of support judgment or support judgment was originally recorded in the county of *(specify)*:

 on *(date)*: _____ at *(Recorder's identification number)*: _____
5. **NOTICE OF ASSIGNMENT:** An assignment of support rights by operation of law has been made to the county named above under Welfare and Institutions Code section 11477(a).

THE SUBSTITUTED PAYEE MUST BE CONTACTED WHEN NOTICE TO A LIENHOLDER MAY OR MUST BE GIVEN.

PETITIONER/PLAINTIFF: RESPONDENT/DEFENDANT: OTHER PARENT:	CASE NUMBER:
-----------------------------------------------------------------	--------------

6. **NOTICE OF SUPPORT COLLECTION:** For purposes of collection only, the governmental agency identified in the top left box is assignee of record of all support obligations as specified below and that agency will appear in this case to enforce
- all support obligations.
 - support arrears only.
 - medical obligations as required by federal law.
7. a. Each parent must notify the local child support agency in writing within 10 days of any change in residence or employment.
- b. Each parent must complete a *Child Support Case Registry Form* (FL-191) and file it with the court within 10 days of any change in residence or employment.

Date:

(TYPE OR PRINT NAME)
(SIGNATURE)

ACKNOWLEDGMENT
(To be completed only when this form is recorded)

STATE OF CALIFORNIA
COUNTY OF

On _____, before me,
Notary Public, personally appeared:

personally known to me (or proved to me on the basis of satisfactory evidence) to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

WITNESS my hand and official seal.

(SIGNATURE OF NOTARY)

(Seal)

Exhibit 7

California Code of Regulations, Title 22, Division 13, Article, Enforcement Actions

Excerpts specific to Real Property Liens



CCR: Title 22. Social Security Division 13, Department of Child Support Services, Chapter 6. Enforcement Actions, Article 1. Definitions

§ 110694. Real Property.

“Real property” means real estate or property, such as land and buildings that are permanent, fixed, and immovable.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 17306, 17310 and 17312, Family Code.

CCR: Title 22. Social Security Division 13, Department of Child Support Services, Chapter 6. Enforcement Actions, Article 1. Definitions

§ 116098. Real Property Lien

“Real property lien” means a charge against real property, as defined in Section 110694, to secure payment of a support obligation at the time of sale or transfer of real property.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 17306, 17310 and 17312, Family Code.

CCR: Title 22. Social Security Division 13, Department of Child Support Services, Chapter 6. Enforcement Actions, Subchapter 6.1. Immediate Enforcement Actions, Article 3. Real Property Liens

§ 116130. Recording/Creating Real Property Liens.

- (a) A local child support agency shall record a real property lien against the real property of an obligor to obtain compliance with money judgments or orders enforced by a local child support agency pursuant to Title IV-D of the Social Security Act. A local child support agency shall prepare and submit for recording a real property lien within 45 days of the date a money judgment or order is received by the local child support agency, a case is opened for enforcement of an existing order or judgment, or an existing order is registered for enforcement. A local child support agency shall not record a real property lien when the order indicates a zero support amount, or when the order is reserved.
- (b) A local child support agency shall not record a real property lien against the real property of an obligor who has filed for bankruptcy under Chapter 13, except in those instances where the real property is not part of the bankruptcy estate.
- (c) A local child support agency shall record a real property lien for the following types of cases:
 - (1) Intercounty responding cases.
 - (2) Intracounty cases.
 - (3) Interstate initiating cases. Real property liens shall only be recorded if the obligor is known to have or is likely to acquire real property interests in California.
 - (4) Interstate responding cases.

(d) A local child support agency shall record a real property lien by recording with the county recorder one of the following:

- (1) An abstract of support judgment.
- (2) An Abstract of Support Judgment (notice of support judgment) Form CA 8580 (7/1/03).
- (3) A certified copy of the order/money judgment.
- (4) A federal Notice of Lien. The local child support agency shall record such a lien in another state when the custodial party resides in California and the obligor resides in a state other than California only if the local child support agency does not request enforcement by another state through the two-state interstate process as specified in Chapter 7.

(e) A local child support agency shall record a real property lien as follows:

- (1) In the county where the obligor resides.
- (2) In the counties where the parent(s) of the obligor resides, if known and if different from the county of the obligor.
- (3) In the counties where the obligor is known to have, or could reasonably be expected to acquire, real property.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Sections 674, 697.060 and 697.320, Code of Civil Procedure; Sections 4506.1-4506.2, Family Code; 11 United States Code, Sections 362(b)(2)(B) and 523(a)(18); 42 United States Code, Section 666(a)(4); and 45 Code of Federal Regulations, Section 302.70(a)(4).

**CCR: Title 22. Social Security Division 13, Department of Child Support Services,
Chapter 6. Enforcement Actions, Subchapter 6.1. Immediate Enforcement Actions, Article
3. Real Property Liens**

§ 116132. Satisfaction of Judgment/Substitution of Payee.

(a) Upon satisfaction of a support obligation, a local child support agency shall within the time frames established in subsections (c) through (d) file a full satisfaction of judgment, or a matured installment satisfaction by doing both of the following:

- (1) File an acknowledgment of satisfaction of judgment with the court.
- (2) Provide the obligor with an acknowledgement of satisfaction of judgment that can be recorded in any county in which an abstract of support judgment, or certified copy of the judgment was filed.

(b) For all cases enforced by a local child support agency pursuant to Title IV-D of the Social Security Act, a local child support agency shall take one of the following actions as specified in subsections (c) through (e), as appropriate to the case.

(c) Prior to case closure, a local child support agency shall prepare and file a full satisfaction of judgment in the following circumstances:

- (1) In those cases where the local child support agency recorded a certified copy of the judgment or order for support, an abstract of support judgment, or an Abstract of Support Judgment CA 8580 (7/1/03) only when all of the support arrears have been paid in full and all of the children subject to the support order have emancipated as specified in Section 110248.

- (2) In any other situation where the local child support agency determines it would be appropriate to record a full satisfaction of judgment.
- (d) Upon request of a representative of a title and/or escrow company or the obligor or the custodial party, the local child support agency shall prepare a matured installment satisfaction of judgment for signature by a representative of the local child support agency only when all of the support arrears have been paid in full and some or all of the children subject to the support order have not reached the age of emancipation as specified in Section 110248.
- (e) The local child support agency shall prepare a substitution of payee in the following circumstances:
 - (1) The non-public assistance custodial party has requested that the local child support agency close the case, the custodial party has given permission to the local child support agency to disclose a mailing address to the obligor for payments, and unassigned current support and/or unassigned arrears are due to the custodial party. The local child support agency shall specify on a notice regarding payment of support, that payments for current support and unassigned arrears shall be paid to the custodial party and, if any assigned arrears remain unpaid and due to the county, that payments for assigned arrears shall be paid to the local child support agency. The assigned arrears portion of the case shall remain open until such time as the case qualifies for case closure as specified in Chapter 8.
 - (2) The local child support agency has determined all of the support arrears for which the local child support agency provided enforcement services have been paid in full, and the custodial party alleges that other support arrears are still due the custodial party and the custodial party has given permission to the local child support agency to disclose a mailing address to the obligor for payments.
 - (3) The local child support agency has transferred its case to another local child support agency in California for Title IV-D services. In this situation, the transferring local child support agency shall complete and file a notice regarding payment of support and specify that payments for current support and arrearages shall be paid to the address of the local child support agency to which the case was transferred. A notice regarding payment of support shall be completed and filed with the court prior to case closure by the transferring county.
 - (4) In any other situation where the local child support agency determines it would be appropriate to record a substitution of payee.

Note: Authority cited: Sections 17306 and 17310, Family Code. Reference: Sections 724.010, 724.030, 724.040, 724.060 and 724.250, Code of Civil Procedure; Sections 4201 and 4204, Family Code; and 45 Code of Federal Regulations, Section 302.70.

**CCR: Title 22. Social Security Division 13, Department of Child Support Services,
Chapter 6. Enforcement Actions, Subchapter 6.1. Immediate Enforcement Actions, Article
3. Real Property Liens**

§ 116134. Releasing Real Property Liens.

A local child support agency shall release real property liens by preparing and providing to the obligor the Release of Judgment Lien, Form CA 8581 (New July 1, 2003), to be recorded by the obligor with the county recorder, or a local child support agency shall release real property liens by recording the Release of Judgment Lien with the county recorder. A local child support agency shall process the release of real property liens in the following situations:

- (a) When a written demand is received from a property owner for a recordable document releasing the lien and proof is provided by the property owner to the satisfaction of the local child support agency that the property upon which the lien has been created is owned by a person who is not the obligor but has the same or similar name as the obligor. Within 15 days of receipt of such written demand and proof, a local child support agency shall record a Release of Judgment Lien indicating a general release of lien.
- (b) When a court order has been received by a local child support agency to prepare and deliver to the property owner a recordable document releasing the lien, unless such order has been appealed and the action ordered is stayed pending the appeal. A Release of Judgment Lien indicating a general release of lien shall be prepared and delivered within the time frames established by the court order or within 15 days from receipt of the court order, whichever is less.
- (c) When a local child support agency has determined all of the support arrears for which the local child support agency provided enforcement services have been paid in full. Within five days of making the determination that the case should be closed because all support has been paid, a local child support agency shall prepare and deliver to the obligor a Release of Judgment Lien indicating a general release of lien.
- (d) When a request is received from a representative of a title and/or escrow company or the obligor and the support arrears for which the local child support agency provided enforcement services have been paid in full. Within five days of the request, a local child support agency shall prepare and deliver to the requesting party, a Release of Judgment Lien indicating a specific property release of lien.

Note: Authority cited: Sections 17306, 17310 and 17312, Family Code. Reference: Section 697.410, Code of Civil Procedure.

Glossary

A

Abstract of Support Judgment, FL-480

A legal document which contains a concise summary of a judgment or order for support. It must be certified by the court clerk where the judgment was entered. Also see Notice of Support Judgment.

Acknowledgment of Satisfaction of Judgment, EJ-100

A legal document filed with the county recorder's office when a child support debt has been satisfied. Upon such recording, the lien created under the judgment that has been satisfied is extinguished as a matter of record.

Arrearage

The unpaid child support payments for past periods owed by a parent who is obligated to pay by court order. The arrears or arrearage or arrearages include interest and are adjusted for the amount of any partial satisfactions of the judgment.



B

Bankruptcy

The formal condition of an insolvent person being declared bankrupt under law. The legal effect is to divert most of the debtor's assets and debts to the administration of a third person, sometimes called a "trustee in bankruptcy," from which outstanding debts are paid pro rata.

Chapter 7- A section of the bankruptcy code under which a debtor's property is liquidated to pay his or her creditors and a debtor can obtain a discharge of personal debts through the bankruptcy court. Spousal and child support obligations cannot be discharged in Chapter 7 proceedings.

Chapter 11- A section of the bankruptcy code under which the "reorganization" of companies and businesses can be made in order to allow the business to work out a plan to repay all or some of their debts.

Chapter 13- A section of the bankruptcy code under which a debtor works out a plan to repay their debts through the bankruptcy court.

See Bankruptcy Resource Guide for more information.

C

Case Closure

The Title IV-D services will no longer be provided. Case closure shall not affect a child support order or arrears that have accrued under the order.

Certified Copy

A copy of a document or record, signed, and certified as a true copy by the officer to whose custody the original is entrusted. A certification is a written statement and signed which is by law made evidence of the truth of the facts stated for all or for certain purposes.



Child Support

Amounts required to be paid under a judgment, decree, or order, whether temporary, final, or subject to modification, for the support and maintenance of a child or children, which provides for any or all of the following: monetary support, health insurance coverage, arrearages, and may include interest on delinquent child support obligations.

Child Support Order

Any court or administrative order for the payment of a set or determinable amount of support of a child by a parent, or a court order requiring a parent to provide for health insurance coverage for a child, or a court order requiring a parent to make payment of arrearages. "Child support order" includes any court order for spousal support or for medical support to the extent these obligations are to be enforced by a single state agency for child support under Title IV-D of the federal Social Security Act (commencing with section 651 to Title 42 of the United States Code).

Court Order

A legally binding edict issued by a court of law. Issued by a magistrate, judge, or properly empowered administrative officer. A court order related to child support can dictate how often, how much, what kind of support a non-custodial parent is to pay, how long he or she is to pay it, and whether an employer must withhold support from their wages.

E

Emancipation

A person who reaches his or her 18th birthday or the process by which a person under the age of 18 is declared independent of their parents. Any person under the age of 18 who comes within the following description is an emancipated minor: one who has entered into a valid marriage, whether or not such marriage was terminated by dissolution; or who is on active duty with any of the



armed forces of the United States; or who has received a declaration of emancipation by the courts.

Encumbrance

A claim or liability that is attached to real property or some other right and that may lessen the property's value, such as a lien, mortgage; or right-of-way; any property right that is not an ownership interest but may affect the title to the real property. An encumbrance does not defeat the transfer of possession, but it remains after the property or right is transferred.

Escrow

A process wherein a party or entity, usually a title company, acts as a third party in a property transaction. The escrow officer transfers title to the property to the buyer only when certain payments have been made and other conditions set by the parties have been met. One of the conditions may be that the seller be able to transfer clear title to the buyer or lender.

F

Full Satisfaction of Judgment

This is a type of satisfaction of judgment. The Judicial Council EJ-100 form, Acknowledgment of Satisfaction of Judgment, may be used to record it. When the form is recorded and the "Full Satisfaction" box is indicated, it means that there has been a full discharge of obligations under a judgment in the amount specified.

I

Intracounty Case

A case in which only one county is providing Title IV-D services.



Intercounty Responding Case

A case in which the non-custodial parent and the custodial party live in different counties within California and the county in which the non-custodial parent resides receives and responds to a child support action for the purpose of enforcement.

Interest

A rate of compensation for the use of forbearance of money, such as interest on a loan; a rate of compensation which must be paid by a judgment debtor. California allows the calculation of interest on unpaid child support order in dissolution of marriage case before the final decree is obtained.

J

Judgment

The final decision of the court resolving the dispute and determining the rights and obligations of the parties.

L

Lien

A claim upon property to prevent sale or transfer of that property until a debt is satisfied.

Lienholder

A creditor that holds a claim to a debtor's property.

M

Matured Installment Satisfaction of Judgment

This is a type of satisfaction of judgment. The Judicial Council EJ-100 form, Acknowledgment of Satisfaction of Judgment, may be used to record it. When the form is recorded and the "Matured



Installment” box is indicated, it means that all installments due and owing, plus costs and any interest that accrued under the judgment, have been paid through the date specified on the form.

N

Notice of Involuntary Lien

A notice to the obligor that a lien has been filed against his or her name. If the obligor owns real property, the lien will automatically attach to the property.

Notice Regarding Payment of Support, Form FL-632

A mandatory Judicial Council form that is filed with the court directing that support payments are to be made to the local child support agency. It also serves to notify the non-custodial parent that support has been assigned or there has been a substitution of payee.

Notice of Support Judgment, DCSS 0239

A California Department of Child Support Services form that is used to turn a judgment for support into a real property lien. The Notice requires the same information as an Abstract of Support Judgment, Judicial Council Form FL-480, however, the form does not require certification by the court clerk.

O

Order

A decision or judgment of a magistrate, judge, or properly empowered administrative officer.



P

Partial Satisfaction of Judgment

This is a type of satisfaction of judgment. The Judicial Council EJ-100 form, Acknowledgment of Satisfaction of Judgment, may be used to record it. When the form is recorded and the “Partial Satisfaction” box is indicated, it means that there has been a partial discharge of obligations under a judgment in the amount specified.

R

Real Property Lien

A charge against real property, as defined in Section 110694, to secure payment of a support obligation at the time of sale or transfer of the property.

Record

- A precise written history of a court action from commencement to termination designed to remain as permanent evidence of the matters to which it relates.
- To officially enter in a book or record for the purpose of giving notice.
- To "record" a document is to file it with the County Recorder's Office.

Register

A legal process by which a support order or judgment is filed with a tribunal in a state to give that tribunal authority to modify and/or enforce a support order.

Release of Lien

Giving up a recorded judgment lien on real or personal property.



S

Satisfaction of Judgment

A Judicial Council form used to indicate that the money owed by the obligor pursuant to a court order or judgment has been satisfied.

Satisfaction of Matured Installment

To pay all required monthly installment payments to date in full with current support still at issue.

Subordination of Lien

The act by which a lien holder agrees to place his lien in a lower priority for payment than another claim or lien.

Substitution of Payee

A court action that changes to whom an order is payable.

T

Title

Evidence of a right of possession of land or other property in form of a written instrument. For real property, this is usually in the form of a deed of trust.

Title Search

A check of the records in a county recorder's office to determine what liens affect the ownership of a property.



**Real Property Liens
A Resource Guide for
Child Support Professionals**

EXERCISE

For each of the statements below, please circle or fill in the blank with the correct answer.

1. Title 22, Section 110698 of the Social Security Act defines a real property lien as a charge against _____ to secure payment of a support obligation at the time of _____ or _____ of real property.
2. A lien must be filed against the real property of an obligor within _____ calendar days of a qualifying action.
3. In regards to bankruptcy, generally, you are prohibited from filing a _____ against the obligor until the bankruptcy is discharged or _____.
4. An _____ is one of the acceptable documents that you must record with the county recorder when creating a real property lien.
5. An Acknowledgment of Satisfaction of Judgment, EJ-100 is used for full or _____ satisfaction of judgment or a matured _____ satisfaction of judgment.
6. A _____ is recorded when the LCSA is no long claiming any interest in the real property of the obligor in the county where the release is recorded.
7. Subordination agreements _____ require LCSA legal review.
 - A. do
 - B. do not
8. A non-welfare CP has requested that the LCSA close the case, and the unassigned current support and/or unassigned arrears are due to the CP is only one of several circumstances in which you should file a _____ for substitution of payee.
9. You must record a (Federal) Notice of Lien in another state when the _____ (obligor/custodial party) resides in California and the _____ (obligor/custodial party) resides in a state outside of California and the LCSA has not requested enforcement by another state under the provisions of UIFSA.
10. A (Federal) _____ is sent to the proper recorder's office or department of _____ the local jurisdiction in the state in which the obligor owns an interest in real property and not through the Central Registry or Title IV-D office of the other state.



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ANSWER SHEET

For each of the statements below, please circle or fill in the blank with the correct answer.

1. Title 22, Section 110698 of the Social Security Act defines a real property lien as a charge against real property to secure payment of a support obligation at the time of sale or transfer of real property.
2. A lien must be filed against the real property of an obligor within 45 calendar days of a qualifying action.
3. In regards to bankruptcy, generally, you are prohibited from filing a real property lien against the obligor until the bankruptcy is discharged or dismissed.
4. An Abstract of Support Judgment, Notice of Support Judgment, or Certified Court Order is one of the acceptable documents that you must record with the county recorder when creating a real property lien.
5. An Acknowledgment of Satisfaction of Judgment, EJ-100 is used for full or partial satisfaction of judgment or a matured installment satisfaction of judgment.
6. A Release of Judgment Lien is recorded when the LCSA is no long claiming any interest in the real property of the obligor in the county where the release is recorded.
7. Subordination agreements do require LCSA legal review.
 - A. do
 - B. do not
8. A non-welfare CP has requested that the LCSA close the case, and the unassigned current support and/or unassigned arrears are due to the CP is only one of several circumstances in which you should file a Notice Regarding Payment of Support for substitution of payee.
9. You must record a (Federal) Notice of Lien in another state when the obligor/custodial party resides in California and the obligor/custodial party resides in a state outside of California and the LCSA has not requested enforcement by another state under the provisions of UIFSA.
10. A (Federal) Notice of Lien is sent to the proper recorder's office or department of the local jurisdiction in the state in which the obligor owns an interest in real property and not through the Central Registry or Title IV-D office of the other state.

