

Terminology for Creditors: The Language of Liens

by Windtberg & Zdancewicz, PLC on October 11, 2013

Legally and linguistically speaking there are hundreds of types of individual liens, both secured and unsecured. These range from mortgage liens to medical liens, auto liens, and many more. It is important and beneficial for creditors to be well informed about the origins and categories of lien obligations.

Voluntary Liens

This type of secured debt, such as a mortgage or car loan, is created when a debtor creates a voluntary lien with a creditor.

Non-Consensual Liens

A nonconsensual lien, generally an unsecured debt, is given to a creditor without the agreement of the debtor. This usually occurs after the debtor fails to meet a financial obligation. There are two types of non-consensual liens:

1. Statutory liens are those rights specified in, and created by federal or state laws, and concerning the debtor, are non-consensual. For example:
 - Tax liens, which by law may attach to the property on which the tax is owed.
 - Mechanic's liens: if the debtor fails to pay for work done on his or her property, the construction professional to whom payment is owed may file a lien against the property.
2. Judicial liens are non-consensual liens that result from a court-ordered action. Examples include:
 - Judgment Liens. Bankruptcy is a prime example of a judgment lien.
 - Garnishment or Attachment Liens: A method of collecting payment via garnishing (attaching) a judgment debtor's wages or bank accounts.
 - Child Support Liens can be obtained against the property of a person who has failed to pay court-ordered child support.

The better informed a creditor is, the better prepared they are to take the proper action against a debtor. Taking timely and proper action increases the likelihood that a lien can be resolved to the benefit of a creditor. The advice of a skilled legal professional can also be to the creditor's advantage when liens are at issue.

Working with an experienced, knowledgeable Arizona creditor's attorney can help tremendously with understanding various types of liens and the rights and obligations each type of lien confers. If you would like more information about liens, creditors' rights, or if you need

assistance from an attorney, **contact [Windtberg & Zdancewicz](#) to schedule an initial consultation.**

The attorneys at [Windtberg & Zdancewicz, PLC](#), provide clients with experienced legal representation in all collection matters. We are experienced in creditor's rights including garnishments, charging orders, attachment, property execution, trustee's sales, foreclosures, judgments, judgment collection, domestication of foreign judgments, and creditor's issues in bankruptcy cases. If you need assistance with your collection matters, please contact us at [\(480\) 584-5660](#).

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