

What Happens if a Claim is Filed Against My Title?

by Isaac Benmergui, Esq on November 25, 2014



All real estate has a title, which is the document recording ownership of the land, any judgments against the ownership, and any rights or restrictions that come with ownership of the land. When you buy a piece of real estate, a title search is done to try and uncover any of these restrictions and problems before a new owner takes possession of it.

If you buy a piece of land and discover that the title is not clear, usually called a “defective title,” that could mean a few different things. A

clear title is free of any judgments (debts to another party), taxes, mortgages, or restrictions to the land. If you buy a piece of land and learn that there is a judgment on the land, that means that someone else believes they were owed a portion of the value and did not receive it.

When you assume the title, you are also assuming that problem. In the event that a claim is made against your title, you may have to go to court, pay a judgment to keep your land, or you could lose your real estate while retaining the liability for the mortgage on the property.

If a claim is brought against your title, you cannot sell the property until the matter is resolved. Most mortgage companies require buyers to purchase title insurance to avoid unforeseen issues arising from title errors or fraud. These policies protect the owner by insuring against loss or damage from a defective title.

Call [Miami Real Estate Lawyer Isaac Benmergui](http://realestatemiamiattorney.com) at 305.397.8547 and set up a no charge, no obligation consultation to discuss your case. We have close to 10 years of experience handling Real Estate, Personal Injury, Immigration and Commercial Litigation cases throughout Miami and South Florida, and will use our expertise to help your case to the best of our abilities.

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