



Liens

What is a Lien

A lien is a claim or legal right against assets that are typically used as collateral to satisfy a debt. A lien is usually established by a creditor through a legal judgement.

A lien serves to guarantee an underlying obligation, such as the repayment of a loan or failure to pay a financial claim.

If the underlying obligation is not satisfied, the creditor may be able to seize the asset that is the subject of the lien.

There many types of liens, such as:

1. Consensual.
2. Purchase-Money security.
3. Non-purchase-money security.
4. Statutory.
5. Mechanics liens.
6. Tax liens.
7. Judgment and commercial injury claim.

Purchase-Money Security Interest

Usually just referred to as PMSI refers to a legal claim that allows a lender to either repossess property financed with their loan, or to demand repayment in cash if the borrower defaults.

Non-Purchase-Money Security Interest

A security interest in which the property is already owned by the debtor and is put up as security for a loan. This kind of lien is subject to elimination in a bankruptcy proceeding.

Statutory Liens

Statutory liens are based upon specific statutes entitling the creditor to the lien.

Note: It should be noted that these types of liens are create through statutes rather than the operation of law, such as Equity Law or Common law lien.

Mechanics Liens

A mechanic's lien was first developed by Thomas Jefferson to create a *Landed Gentry* in the United States.

Note: The Landed Gentry or simply referred to as *Gentry*, is historically a British social class of landowners who could live entirely from rental income from said land, or had a country estate.



This type of lien guarantees payment to builders, contractors, or construction firms that build or repair structures, and other stakeholders involved in a construction project in the event of liquidation.

The most common form of mechanics lien, or what most people usually refer to today, is when an auto mechanic holds a customer's vehicle until payment is made.

A mechanic's liens generally have a higher priority than other forms of debt.

Tax liens

This type of lien secures the governments interest in a **Person's** property, when a **Person** does not pay a tax debt.

This levy takes the property of the **Person** who is unable or refuses to pay tax. If the tax payer does not pay or make arrangements to settle their "obligated tax debt", the IRS can levy, seize and sell any type of real or personal property that your **legal fiction** owns or has an interest in.

Note: Within tax liens a different language is used. "Person" refers to a corporation, "Taxpayer" is a title, and if accepted you accept the contract and obligation to pay tax.

Judgment Lien

A judgment lien is a court ruling that gives a creditor the right to take possession of a debtor's personal property if the debtor fails to fulfil their contracted obligations or trespassed on your rights.

This lien may be made against an individual or business and allows the creditor to access assets such as the debtor's business, personal property, and real estate to satisfy the judgment.

Note: A plaintiff who obtains a monetary judgment is described as a judgment creditor, while the defendant becomes a judgment debtor.

Commercial Injury Claim

All liens are commercial contracts, even those regarding personnel injury. Sometimes personnel injury claims are referred to as medical liens; although they should all be treated as commercial injury claims.

A Commercial Injury Claim refers to any assault, trespass or violation on any part of your life, including but not limited to, your estate. This would also include your children.

This is the main type of Lien that is typically used when a person carries out a tort against you, such as attempted fraud through unfounded claims and mandates.

Note: Tort stands for tortuous act, meaning "a wrong done to you **outside** of a contract."

While a Breach of Contract means "a wrong done to you **within** a contract."



But to keep it simple, there are 3 basic types of liens:

1. Statutory.
2. Consensual.
3. Judgment.

In short a lien is a commercial injury claim.

How to set up a Lien

There are two basic parts to setting up your lien:

1. First is very simple; what is your claim?
2. Second; what is your proof?

Run your Claim

To begin the lien procedure; usually due process in the form of various notices has already been given to the recipient or debtor.

It can be tempting to hire a legal professional, such as a solicitor to do this process for you however you must run your own legal claim. Do not use the legal system, or get others to do this for you, as you will lose your authority, jurisdiction, and status which is your power.

If you ask a lawyer to represent you, you have already lost, as the lawyer will be representing your *legal fiction* and not you, so you are at the discretion of the courts.

Perfected Lien

A Perfected Lien is a legal term for when you have completed all the necessary steps before recording it with a county court using a judge.

There is no template for this, as each remedy is different, however a perfected lien means you gave the other party you are claiming against due process, and have documented evidence to prove your claim.

Once you have run or perfected your claim you must register it in court; although this should be a common law court, it will have to be done at a county court with the district judge.

Note: County courts may have to be used, as access to a common law court is not easy, or may not be available.

Record your Lien

One of the functions of a magistrate and judge is to record your lien.



The reason you must record and register your lien with a county court or magistrate court is to move your *private* claim into the *public* realm.

If you understand the difference between *private* and *public*, you should know that you do not wish to *become* public, or pulled into *public membership* so use caution.

However going public means you can use some of the tools available within the public realm to your advantage.

Now that you have made your claim public, you now have access to *civil procedure* processes and rules.

Note: Civil procedures are part of a private organisation called the bar association, and do not have any lawful standing within a Common Law Court, however the current global legal system is bound by their rules, so use them to your advantage.

Part 8 Claim Form

Part 8 claim form is now referred to as N208 (CPR Part 8), and is used under the civil procedures rules, which can be found on the government's website:

<https://www.gov.uk/government/publications/form-n208-claim-form-cpr-part-8>

Once you get the order of the court, as long as your lien is good, and your claim is good, then you now have access to all the enforcement procedures they have or the system uses.

So, the enforcement procedures that are routinely abused to force fraudulent claims, and even ones used against you, are now in your back pocket.

This includes bailiffs.

Officers of the Court

Within *Common Law* jurisdictions, law was *Common* to all the Kings courts across England, meaning the title *Officer of the Court* is applied to all those who function within court.

Note: Common Law is so named due to it being originated from the practices of the courts of the English Kings in the centuries following the Norman Conquest in 1066, and later spread to the far flung colonies of the British Empire, many of which retain the Common Law system today.

Today *Officers of the Court* have legal and ethical obligations. They have sworn an oath of office to participate to the best of their ability to function within the justice system, under law.

They will work for you as agent, as long as you have followed the law and given the recipient or debtor of your claim due process, making you the principle.

They can only act under the limitations of the law, and are personally liable if they break it.



If you have offered the debtor due process, usually with an opportunity to cure, and have followed all the steps leading up to and concluding in court, then the High Court Enforcement Officers, will go and get your goods.

Note: “Goods” is a term used in commerce, and refers to items for sale, or items in transit for sale. Possession is the state of having, owning or controlling something.

Also Note: High Court is the third highest court in the UK, and deals with civil cases and appeals decisions made in lower courts. However it must be fully understood and recognised that this is still an administrative court, and controlled by the Bar association through civil procedure.

Attachment Orders

Form N337 is used to request an attachment of earnings order.

Once completed and approved an Attachment of Earnings Order is sent from the court and instructs an employer to divert money directly from a debtor’s wages to pay back a debt.

The employer sends the money to the court that made the order, and they then forward the money to a creditor, usually in the way of a receiver.

Note: You can only ask the court to make an attachment of earnings order if the debtor owes you more than £50.

Charging Orders

Form N379 CPR Part 73 is the application form used to request a charging order on land or property.

When a creditor has a summary judgement against a debtor, they can apply for a court order that secures the debt against the debtor’s home or other property they own.

This is called a “Charging order”. After a creditor gets a charging order, they can usually apply to the court for another order to force the debtor to sell their home.

Third Party Debt Orders

If a creditor has taken court action against a debtor for money owed, they may have received a county court judgment (CCJ) or other court order against the debtor.

Form N1 CPR Part 7 is used to make a claim against a person. Also note N1A, N1C, N1D and N1 (FD).

A court order means the debtor has to pay the money back, either in instalments or in full by a certain date.

If they do not keep to the terms of a court order, the creditor has a number of different options to try and get their money back.



If the creditor has evidence that the debtor is due to be paid some money, which would cover the debt, then the creditor can apply for a Third Party Debt Court Order.

Form N349 is the application form used to request a Third Party Debt Order.

A Third Party Debt Order allows the creditor to take the money the debtor owes, directly from the 3rd party who has the money.

Debtor to Attend Court

There may be a reason to request the debtor to attend court; one would be to get their testimony regarding their financial situation.

Form N316 is used to apply for a court order for a debtor to attend court, where they must give testimony, under oath regarding their personal or business financial standing.