

Pennsylvania Judgments and Liens

This quick reference guide was created to help policy-issuing agents of WFG National Title Insurance Company navigate the different types of real estate liens in Pennsylvania. The guide is not intended to list every lien in Pennsylvania, but is a quick reference to the most common liens you will see. Please contact WFG Underwriting for liens not included in this guide or any additional questions you may have.

What kind of lien is it?	Under what authority is the lien created?	How long does it last?	Anything else I need to know?
CIVIL JUDGMENTS			
General Civil Judgments - PA Court	42 Pa. C.S. § 5526	5 Years	<ul style="list-style-type: none"> Includes judgments entered in all Courts of Common Pleas and the Philadelphia Municipal Court Can be revived repeatedly within 5 years to maintain priority Can be revived outside of 5 years, but lose original priority Mortgage foreclosure judgments are in rem; but judgments on the underlying Note (such as confessions of judgment) are personal
General Civil Judgments - Federal Court (excluding judgments entered in favor of USA and federal tax liens)	28 U.S.C. § 1962	5 Years	<ul style="list-style-type: none"> Same as judgments under state law Must search federal court records in Counties where a federal court is located. For other Counties, federal judgment will be filed in County records.
Federal Court Judgments in favor of USA (excluding federal tax liens)	28 U.S.C. § 3201	20 Years	<ul style="list-style-type: none"> Attach to after-acquired property (but subordinate to purchase-money mortgage) Pierces tenancy by the entireties Can be revived for additional 20 year period Must search federal court records in Counties where a federal court is located. For other Counties, federal judgment will be filed in County records.
SPECIFIC LIENS			
Municipal Claims	53 P.S. § 7143	20 years (Act 93 general judgment lien - 5 years for real estate taxes)	<ul style="list-style-type: none"> In rem (Except: Philadelphia Code Enforcement "CE" judgments**, and judgments for real estate taxes under Act 93) <p>**CE judgments are considered both in rem and general by the City. Treat as in rem (20 year duration) for any violation premises listed in the Complaint. Treat as a general judgment (5 year duration subject to revival) for all other real property owned by the debtor.</p>
Child Support Liens	23 Pa.C.S. § 4352(d.1)	20 years after last payment due	<ul style="list-style-type: none"> Statewide liens Attach to after-acquired property Searchable in statewide lien database, and administered by County Domestic Relations Sections
Mechanics' Liens	49 P.S. § 1502; 49 P.S. § 1701	6 months from completion of work; 2 years from filing of claim; 5 years from entry of judgment	<ul style="list-style-type: none"> Lien is secret, attaches before filing - claimant has 6 months from completion of work to file claim, and then 2 years to file Complaint In rem Judgment may be revived, but remains in rem. 49 P.S. § 1705 For Condos/PUDs, lien is against all units and is not apportioned

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SPECIFIC LIENS (continued)			
Commercial Real Estate Brokers Lien	68 P.S. § 1053	5 years	<ul style="list-style-type: none"> In rem Complaint must be filed within 2 years Subordinate to mortgages. 68 P.S. § 1059
Judgments and Liens Related to Student Loans (both State and Federal)	20 U.S.C. § 1091a; 24 P.S. § 5104.3(h) (l), (j)	Indefinite	<ul style="list-style-type: none"> Attach to after-acquired property Federal law does not apply after student dies (20 U.S.C. § 1091a(d))
UCC Filings	13 Pa.C.S. § 9515	5 years	<ul style="list-style-type: none"> If financing statement is tied to a recorded mortgage, then it would not expire until mortgage is released or satisfied 30 year duration for manufactured-home or public-finance transaction Indefinite duration (until terminated) if debtor is a transmitting utility Can be continued
Lis Pendens		Indefinite	<ul style="list-style-type: none"> In rem Provides notice of litigation involving title to real estate
HOA/CONDO			
Assessments against Unit - Condo, Co-op, PUD Associations	68 Pa. C.S. §§ 3315, 4315, 5315	Later of: 4 years from assessment, or 5 years from a judgment	<ul style="list-style-type: none"> In rem Can be foreclosed like a mortgage Lien is "secret" - recording of Declaration is notice and perfection of the lien (i.e. each assessment is not filed) Must obtain a certificate setting forth outstanding balance of unpaid assessments
Judgments against a Homeowners' Association, Condo Association, or a Cooperative Association	68 Pa. C.S. §§ 3319, 4316, 5319	5 Years	<ul style="list-style-type: none"> Judgments are in rem liens against each individual Unit, in proportion to their interest in the common elements Mechanics' liens are liens on all units and not apportioned
TAXES & TAX LIENS			
Realty Transfer Tax Liens	72 P.S. §§ 8112-C, 1404.1	Indefinite	<ul style="list-style-type: none"> Attach from date of filing of lien Both Seller and Buyer are jointly liable for tax
Real Estate Taxes	53 P.S. § 7183	20 years (Act 93 general judgment lien - 5 years)	<ul style="list-style-type: none"> Lien is secret, attaches at date of assessment without filing Lien takes priority by statute, not divested by Sheriff's sales unless paid Certification from taxing authority, or proof of payment of last 3 years taxes and current year needed Check if delinquencies have been referred to collection agency or Tax Claim Bureau; obtain certifications from them as well Judgments under Act 93 constitute general judgments against owner's other property in the County

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TAXES & TAX LIENS (continued)

Inheritance Taxes (PA)	72 P.S. §§ 1404.1; 9169	Indefinite (see Notes)	<ul style="list-style-type: none"> Lien is secret, attaches without filing Indefinite if Estate was not opened, or Property was not reported on the Return; if Estate was opened and Property was reported, Department of Revenue has 20 years to enforce/collect Not divested by tax sales and mortgage foreclosures (a Department of Revenue procedure exists to clear inheritance tax liens in the case of mortgage foreclosures) Inheritance taxes may be due even if property was jointly owned under the deed, owned by a Revocable Trust, or a life estate or other interest was reserved to decedent
Estate Taxes (Federal)	26 U.S.C. § 6324	10 years from date of death, can be extended by enforcement action	<ul style="list-style-type: none"> Lien is secret, attaches without filing If decedent's entire estate (including property which may not be included on a Pennsylvania inheritance tax return) is less than federal exemption, no estate taxes would be due. Exemption varies depending on year of death. If federal estate tax return must be filed, a copy should be filed in the PA Estate
PA Department of Revenue Liens - Generally (including Corporate Taxes)	72 P.S. §§ 1404, 1404.1, 7242 (sales and use), 7345(b)	Indefinite	<ul style="list-style-type: none"> Corporate Tax Lien is secret, must obtain corporate lien certificate (Corps and LLCs) from Department Attach to after-acquired property
Unemployment Compensation - PA Department of Labor & Industry	43 P.S. § 788.1	Indefinite	<ul style="list-style-type: none"> Attach to after-acquired property of the employer
PA Sales & Use Tax	72 P.S. § 7242	Indefinite	<ul style="list-style-type: none"> Attach to after-acquired property
Federal Tax Liens (IRS)	26 U.S.C. §§ 6321-23, 6325	10 years and 30 days from date of assessment, can be extended by refiling or enforcement action	<ul style="list-style-type: none"> Attach to after-acquired property (but subordinate to purchase-money mortgages) Pierces tenancy by the entireties Automatically expire if not refilled by date set forth in lien

CRIMINAL/RESTITUTION

Criminal Judgments - PA	42 Pa. C.S. § 9728	Indefinite	<ul style="list-style-type: none"> Can include items such as restitution, reparations, fines and costs Plaintiff may be listed as Probation Department, Clerk of Courts, Clerk of Quarter Sessions, or other similar names
Criminal Judgments - Federal	18 U.S.C. § 3613	Later of: 20 years from entry of judgment, or 20 years after release from prison	<ul style="list-style-type: none"> Attach to after-acquired property (but subordinate to purchase-money mortgages) Pierces tenancy by the entireties Can include items such as restitution, reparations, fines and costs Can be revived for additional 20 year period Must search federal court records in Counties where a federal court is located. For other Counties, federal judgment will be filed in County records.

OTHER INFORMATION

Liens/Judgments against 1 Spouse	In a refinance, judgments/liens against 1 spouse must be paid and satisfied, even if property is currently held as tenants by the entireties.
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