

(Misc. Docket) (Case) (Index of [Lien][Claim] Filing) No. _____

In Re: A Purported Lien
or Claim Against
(Name of Purported Debtor)

In the _____ Judicial District
In and For (County), Kansas

**Judicial Findings of Fact and Conclusions of
Law Regarding a Documentation or Instrument
purporting to Create a Lien or Claim.**

On the (number) day of (month), 2____, in the above entitled and numbered cause, this court reviewed a motion, verified by affidavit, of (name) and the documentation or instrument attached thereto. The court determined no testimony was necessary, nor any notice of the court's review required and found a decision could be made solely on review of the documentation or instrument as provided in K.S.A. 58-4301 and amendments thereto.

The court finds the documentation or instrument attached to the motion is asserted against real or personal property or an interest in real or personal property and:

(1) IS NOT provided for by specific state or federal statutes or constitutional provisions;

(2) IS NOT created by implied or express consent or agreement of the obligor, debtor or the owner of the real or personal property or an interest in the real or personal property, if required under the law of this state or by implied or express consent or agreement of an agent, fiduciary or other representative of that person;
or

(3) IS NOT an equitable, constructive or other lien imposed by a court of competent jurisdiction created by or established under the constitution or laws of this state or of the United States.

The court further finds there is no valid lien or claim created by this

documentation or instrument; and the documentation or instrument SHALL BE set aside and the filing officer shall nullify the lien instrument and in the case of a lien or claim filed pursuant to the uniform commercial code, the court order shall act as a termination statement pursuant to such code.

Except as otherwise provided, this court makes no findings as to any underlying claims of the parties involved and expressly limits its findings of fact and conclusions of law to the review of a ministerial act. The filing officer shall file the findings of fact and conclusions of law in the same class of records as the subject documentation or instrumentation originally filed, and the court directs the filing officer to index the findings and conclusions using the same names that were used in indexing the subject documentation or instrument.

(Signature of Judge)

Authority

K.S.A. 58-4301(d).

Notes on Use

After review of a Motion for Judicial Review of Documentation or Instrument Purporting to Create a Lien or Claim, as set forth in the previous form, the district court shall enter appropriate findings of fact and conclusions of law in substantially the above form. The district court's review may be made ex parte without notice of any kind and without hearing any testimonial evidence.