



purported debtor.

**III.**

**Movant alleges that the documentation or instrument attached hereto is fraudulent, as defined by subsection (e) of K.S.A. 58-4301 and amendments thereto, and that the documentation or instrument should therefore not be accorded lien status.**

**IV.**

**Movant attests that assertions herein are true and correct.**

**V.**

**Movant does not request the court to make findings as to any underlying claim of the parties involved and acknowledges that this motion does not seek to invalidate a legitimate lien. Movant further acknowledges that movant may be subject to sanctions if this motion is determined to be frivolous.**

**WHEREFORE, Movant requests the court to review the attached documentation or instrument and enter an order determining whether it should be accorded lien status, together with such other orders as the court deems appropriate, including an order setting aside the lien and directing the filing officer to nullify the lien instrument or, if the lien or claim was filed pursuant to the uniform commercial code, an order acting as a termination statement filed pursuant to such code.**

**Respectfully submitted,**

***(Signature of movant)***

***(Movant's name & address, typed)***

**AFFIDAVIT**

STATE OF KANSAS        )  
  ) **ss:**  
COUNTY OF \_\_\_\_\_)

\_\_\_\_\_ *(name of affiant)* \_\_\_\_\_, of lawful age, being first duly sworn, states:

*(Set forth a concise statement of the facts upon which the claim for relief is based).*

I further attest that the assertions contained in the accompanying motion are true and correct.

\_\_\_\_\_ **(Signature)** \_\_\_\_\_

SUBSCRIBED AND SWORN TO before the undersigned on \_\_\_\_\_ *(Date)*,  
2\_\_\_\_\_.

\_\_\_\_\_  
**Notary Public**

**My Appointment Expires:**

\_\_\_\_\_

**Authority**

K.S.A. 58-4301.

**Notes on Use**

K.S.A. 58-4301 establishes an expedited process for the release of fraudulent liens filed against real or personal property. The statute provides that any person who owns real or personal property or who is the purported debtor or obligor and who has reason to believe that any document or instrument purporting to create a lien or

claim against the real or personal property is fraudulent as defined in K.S.A. 58-4301(e) may file a motion for judicial review of the status of the lien or claim. A document or instrument is presumed to be fraudulent if it purports to create a lien or assert a claim against property and (1) it is not a document or instrument provided for by the constitution or federal or state law, (2) it is not created by the consent or agreement of the owner or obligor if such consent or agreement is required under state law, or (3) it is not an equitable, constructive or other lien imposed by a court with jurisdiction under the constitution or federal or state law.

The motion must be filed with the district court of the county in which the lien or claim has been filed, or with the district court of the county in which the property is situated. There is no time limitation on when such a motion may be filed and there is no filing fee. The motion must be supported by an affidavit setting forth a concise statement of the facts.