

Liens: What You Need to Know Today



ORIGINAL PROGRAM DATE

December 3, 2024

AVAILABLE MEDIA TYPES

Video & Audio MP3

*Presented in partnership with the
WSBA Creditor Debtor Rights Section*

REPORTING YOUR CREDIT

This on-demand seminar was originally presented as a live webcast on December 3, 2024, in Seattle, WA. If you attended the live webcast and reported CLE credits, you cannot also report credits from watching or listening to this recording if repeated within your three year reporting period.

DESCRIPTION

Join us on-demand for this helpful and valuable program on Liens. Topics include considerations of bankruptcy on liens, construction liens, tax liens, and key concepts related to attachment and execution; real and intangible property; and liens on LLCs. Understand lien creation, perfection, and enforcement under UCC-9.

AGENDA

1 Impact of Bankruptcy on Liens

In this session, we will discuss methods bankruptcy can be used to alter or avoid certain pre-bankruptcy liens, and strategies for both debtors and creditors. Included in this discussion is the impact of Washington's recent amendment to the homestead exemption on these long-standing bankruptcy powers, and federal limitations on the same.

Michael M. Sperry – Schweet Linde & Rosenblum, PLLC, Seattle, WA

2 Liens Arising from Attachment and Execution

Liens arising from attachment are those effectuated by a writ of execution on personal property. This session will cover the procedures and logistics of enforcing a judgment against personal property of a debtor with a writ of execution on personal property. Topics will include statutory authority for personal property executions, practical considerations, and pleadings to utilize.

Elizabeth Norwood – Green & Norwood PLLC, Seattle, WA

3 Liens Related to Construction

This session provides an overview of construction liens against private construction projects in the State of Washington. We will discuss how construction liens are created and perfected, their priority as to other liens and encumbrances, and how construction liens are foreclosed.

Magnus Andersson – Hanson Baker Ludlow Drumheller PS, Bellevue, WA

Agenda continues on the next page.

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4 Liens for Federal and State Tax Obligations

This session serves as an introduction to both Federal and state tax liens. It will cover the creation, perfection, priority, and enforceability of Federal tax liens, both secret and properly noticed. It will also review the rules pertaining to liens held by the Department of Revenue, the Employment Security Department, and the Department of Labor & Industries.

Kenneth Weil – Law Office of Kenneth C. Weil, Issaquah, WA

5 Lien Creation, Perfection, and Enforcement Under UCC - Article 9

This session reviews methods for creating and perfecting a security interest in personal property. We will explore enforcement options and limits under the UCC. We will also review the rules governing the priority of security interests.

Amit Ranade – Snell & Wilmer LLP, Seattle, WA

6 Enforcement of Real Property Liens

This session will address issues relating to whether a judicial v. non-judicial foreclosure should be pursued. Issues to be presented relate to whether a workout is preferable, the preservation of deficiencies, redemption issues and the impact of Washington's receivership statute on the foreclosure process.

Thomas S. Linde – Schweet Linde & Rosenblum, PLLC, Seattle, WA

7 Liens on LLC Interests

This presentation focuses on consensual liens against LLC interests and post-judgment charging order liens and how to enforce them. It will further discuss the common legal issues that arise from perfection to enforcement of such liens.

Jacob Rosenblum – Schweet Linde & Rosenblum, PLLC, Seattle, WA

8 Liens on Intangible Property

This presentation covers UCC Article 9 security interests in the personal property collateral categories of general intangibles, investment property, and controllable electronic records and methods of perfection of those security interests. General intangibles in this presentation will include intellectual property, such as patents, copyrights, and trademarks. We will explore how some general intangibles, such as partnership and limited liability company interests, may also constitute investment property that is governed by Article 8 of the UCC. And others may be controllable electronic records, like cryptocurrency and non-fungible tokens, which are subject to the new Article 12 of the UCC, enacted as of January 1, 2024. Perfection of these security interests is usually effected by filing a financing statement with the Department of Licensing, but other locations or modes of perfection such as control or possession may be necessary or of higher priority.

John R. Knapp, Jr. - Miller Nash LLP, Seattle, WA