

PEOPLE WHO ARE ADVERSELY AFFECTED BY A LIEN FILED AGAINST SOMEONE WITH A SIMILAR NAME

If a judgment has been rendered against someone, either by a private litigant or by a taxing authority, a judgment is often times “placed of record” which means that a lien has been laced against real estate owned by that person and the judgment may also adversely affect the credit rating of that person because this information is generally recorded by the various credit reporting agencies. A lien generally is valid for five (5) years, unless it is a state tax lien in which case it is valid for ten (10) years.

Unfortunately, one of the unintended consequences of recording a lien against a person is that anyone with a similar name may also be affected. For example, if “John Smith” has a judgment lien or tax lien filed against him, other John Smiths may find that they have their credit rating adversely affected or may have difficulty closing a real estate transaction until such time as they can prove that they are not the same John Smith with the judgment lien.

In order to try to help those who have been adversely affected by judgment liens filed against someone with a similar name, the clerk of Courts is providing an *Affidavit Regarding Mistaken Identity* which the Clerk of Courts will file for record without charge. The person adversely affected must truthfully fill out the Affidavit and should list information which will demonstrate that he or she is not the one against whom the judgement lien has been filed. Such information might include the fact that the person has never lived at the address which is listed in the lien; the person’s social security number; family information; date of birth and any other information which might distinguish the person from the one against whom the judgment has been filed.

If the lien involving the mistaken identity is a State of Ohio tax lien, the Ohio Attorney General’s Office has offered to assist adversely affected parties by reviewing the judgment lien and the information relating to mistaken identity and will provide a release of specific property or specific persons from the judgment lien. For assistance from the Attorney General’s Office, please contact Assistant Attorney General Kate Oklok, 101 East Town Street, Columbus, OH 43215-5148. Telephone 614/466-4510. The Attorney General’s Office requests that a legible copy of the affiant’s driver’s license be attached to the affidavit.

The Clerk of Courts is offering the Affidavit form and the courtesy of filing the Affidavit without charge to assist those with this problem. Our understanding is that most real estate title examiners and credit agencies will accept the Affidavit as a basis to clear a person of a credit or real estate title impediment which has occurred because of name similarity. However, whether or not a specific financial institution extending credit is willing to recognize the Affidavit or require additional information and paper work is something over which we have no control.

AFFIDAVIT OF MISTAKEN IDENTITY

DRIVERS LICENSE TO BE COPIED HERE

IN RE: _____
DOCKET NO. _____ PAGE NO. _____
CASE/SERIAL NO. _____
CREDITOR _____

STATE OF OHIO :
COUNTY OF STARK: SS

I, (INSERT NAME) _____, BORN ON _____ AND HAVING SOCIAL SECURITY
NUMBER _____ AND NOW RESIDING AT THE FOLLOWING ADDRESS: _____

HAVING BEEN FIRST DULY CAUTIONED AND SWORN AND UNDER PENALTY OF PERJURY FOR PROVIDING ANY
STATEMENT THAT I KNOW TO BE UNTRUE, DEPOSE AND STATE THAT I AM NOT THE SAME PERSON AS THE
_____ NAMED AS A DEFENDANT OR AS A JUDGMENT DEBTOR IN THE ABOVE-CAPTIONED CASE
AND/OR JUDGMENT AS RECORDED IN THE OFFICE OF THE CLERK OF COURTS FOR STARK COUNTY, OHIO.

IN FURTHER SUPPORT OF THE FOREGOING, I ALSO SWEAR AND CERTIFY THAT: _____

I FURTHER DISAVOW ANY KNOWLEDGE OF OR RESPONSIBILITY FOR THE ABOVE-CAPTIONED CASE AND/OR
JUDGMENT.

FURTHER AFFIANT SAYETH NOT.

SIGNATURE OF AFFIANT

SWORN TO AND SUBSCRIBED IN MY PRESENCE ON THE _____ DAY OF _____,
20____.

NOTARY PUBLIC

MY COMMISSION EXPIRES: _____