OPINION NO. 14

Attorney Liens on Client Homesteads

Adopted: June 15, 1990.
Repealed: April 4, 2003.

Comment

Opinion No. 14 was adopted in 1990 and governed the assertion of a statutory attorney lien against a client's homestead.

The opinion was repealed due to statutory changes in the homestead exemption amount (Minnesota Statutes, section 510.02, limiting the exemption to $200,000), uncertainty in the law about waiver of homestead exemptions (Peterson v. Hinz, 605 N.W.2d 743 (Minn. Ct. App. 1986)) and amendments in 2002 to the Minnesota Attorney Lien Statute (Minnesota Statutes 2002, section 481.13).

Lawyers who see the need to file attorney liens against real property should carefully review the recently amended attorney lien statute (Minnesota Statutes 2002, section 481.13). Recent changes include time limits for filing attorney liens, a notice to the property owner requirement, and the automatic expiration of attorney liens that are not pursued within one year of filing.