When a Judgment on Title Isn't Yours: How It Gets Cleared Before an Estate Sale

By Rust Belt Cash Offer · Published November 1, 2026

The short answer: a judgment under a name like the owner's can hold up the sale of an inherited house until it is shown to belong to someone else. That usually takes a sworn name affidavit and a few ID details for the title company, not a lawsuit, and it does not mean you owe the debt.

General information as of November 2026, not legal or tax advice.

A title search on an inherited Buffalo house can turn up a judgment under a name that looks like the owner's. When that happens, the sale stops until someone shows the judgment belongs to a different person. It is fixable, usually with a sworn statement and some ID details, and it does not mean you owe the debt. Here is how it works in Erie County, what paperwork clears it, and how one Buffalo widow sold the half-renovated house she and her late husband owned without chasing any of it herself.

Why a stranger's judgment shows up on your title

In New York, a money judgment docketed with the county clerk becomes a lien on real property the debtor owns in that county, generally for ten years, and it can be renewed (CPLR 5203). A title company can't tell two people with the same or a similar name apart from the docket alone, so its search lists every judgment that might match the owner. Until the right one is ruled out, the title company won't insure the sale and the buyer's attorney won't close.

Common names, nicknames, a missing middle initial and old spellings all make this more likely, and it happens more often on houses that have been in a family for decades.

What usually clears it

- **A name affidavit.** The owner, or the heir or executor selling, signs a sworn statement before a notary that they are not the person named in the judgment. Title companies call it different things, such as a same-name or non-identity affidavit.
- **Identifying details.** The title company may ask for a date of birth, the last digits of a Social Security number, or past addresses, so it can compare them with the judgment record.
- **Proof from the other side, sometimes.** If the details don't settle it, the attorneys may ask the judgment creditor or its lawyer to confirm in writing that the judgment isn't against the owner.

Every title company sets its own requirements, so the closing attorney tells you exactly what is needed for your sale.

When the owner has died

A house owned by a married couple is usually held as tenants by the entirety (EPTL 6-2.2), which means the surviving spouse owns it automatically when the other dies. That spouse can usually sell without going through Surrogate's Court, but the title company will still want a certified death certificate and often an affidavit tying the names together. If the house was in only the late owner's name, an executor or administrator has to get Letters from the Surrogate's Court before it can be sold.

The old mortgage that was paid but never cleared

Older houses often have a mortgage that was paid off years ago but never discharged on the county record. New York requires a lender to deliver a satisfaction once a mortgage is paid (RPL §275), but when that never happened, the title company needs a recorded satisfaction, or written proof of payment from the lender or whoever now holds the loan, before closing. Banks merge and records move, so this step can take weeks.

A recent deal: Buffalo 14215

She was the surviving spouse. Her husband had died decades earlier, and the house was a half-finished gut renovation. Because it passed to her as his surviving spouse, title needed his death certificate and a name affidavit, not a Surrogate's Court case. Then a judgment of about $17,000 turned up under a similar name and had to be proven to be someone else's, and an old lender's payoff took weeks to come back.

We sent a notary to the house and worked with the title company on the payoff, so she never had to chase anything. She picked up her check at the closing attorney's office and didn't have to attend the closing. From her first call to closing took about 11 weeks, most of it waiting on the old lender.

If this is your situation

Most closings take 14–30 days. Close in as little as 5 days when the title is clear and ready. A judgment that isn't yours, or an old mortgage that was never cleared, adds time, but it doesn't have to stop the sale, and you don't have to sort it out alone. We cover all closing costs. We pay for all repairs. You get a cash offer within 24 hours, usually by phone.

Read more about selling an inherited house on our inherited house guide, see what other sellers dealt with on our recent deals page, or call (716) 800-2274.

General information for Erie and Niagara County homeowners, as of November 2026, not legal or tax advice. Rust Belt Cash Offer is a home buyer, not a law firm; your closing attorney confirms what your title company needs. Sources: CPLR 5203 (judgment liens on real property); EPTL 6-2.2 (tenancy by the entirety); Real Property Law §275 (mortgage satisfaction). Rust Belt Cash Offer · 50 Fountain Plaza, Suite 1400, Buffalo, NY 14202 ·
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