

Permissive

Permissive, the word itself is not defined in Black's Law 8th, however permission is defined.

"1. The act of permitting. 2. A license or liberty to do something; authorization."

Black's Law 8th defines express permission as:

"Permission that is clearly and unmistakably granted by actions or words, oral or written. 2. See implied consent under CONSENT."

Under Black's Law 8th definition of Consent [implied] is defined:

"implied consent. 1. Consent inferred from one's conduct rather than from one's direct expression. — Also termed implied permission. 2. Consent imputed as a result of circumstances that arise, as when a surgeon removing a gallbladder discovers and removes colon cancer."

This writer stipulates that a number of states may provide that notice of a lien existence is permissively required to be of public record; however there is a consequence for not providing public notice.

In example, attention is directed to "Mechanic Liens, Judgment Liens", true that such may exist but to be effective requires notice to be timely filed of public

record. Where a party chooses to choose not to follow the rule of law to perfect rights; that is a permissive choice and where notice is not timely filed to perfect a lien, rights have not been perfected to enforce a non-perfected lien.

However when it comes to a Mortgage Lien, the courts in not following law, operate more as an enforcer than as a Judicial Tribunal.

Where it is argued that a Mortgage Note is endorsed in blank to a non identified Payee and such non identified Payee is not identifiable in public records, agency/principle relationship as to the lien is lacking. Possession of the Mortgage Note as being a simple mechanical possession is not fatal to the Mortgage Note, a principal can Identify itself to the Mortgage Note years later and have rights to enforce the Mortgage Note, but timeliness of filing a lien to secure, well, the difference is rights lost, The Mortgage Lien cannot be proved up even if the Mortgage Note can be proved up which requires not agency/principle.