

Law Offices
James J. Falcone
300 Capitol Mall, Suite 1800
Sacramento, California 95814-4717

916/442-4204

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A Brief Guide to Quiet Title Actions in California

What is a Quiet Title Action?

A quiet title action is brought to establish, or “quiet”, title or an interest in real estate between adverse parties. A party can establish any legal or equitable right, title, estate, lien, or interest in property or cloud upon title. (CCP §760.010) An adverse party is anyone who claims an ownership interest, interferes with the plaintiff's enjoyment of the property, decreases the value of the property, or renders the title uninsurable.

Quiet title is not used to determine boundaries, or to cancel instruments that cast a cloud on the title.

The quiet title remedy is cumulative with any other remedies which may be sought, such as for damages, or to remove a cloud by cancelling a document.

Who Can File A Quiet Title Action

The action may be brought by the holder of any interest in the land, be it the title to the property, an easement, a license, a lease, or title by adverse possession.

Generally, the plaintiff has to hold a legal interest, as opposed to an equitable interest, but there are exceptions.

Quiet Title Actions Differ From Actions to Remove a Cloud on Title

A quiet title action is directed at a person claiming an adverse interest in the property. Simply put, the plaintiff has an interest, and the defendant claims an adverse interest.

An action to remove a cloud on title (Civil Code §3412+) is directed at a

particular document or instrument or other evidence. The plaintiff must allege facts showing that the document is invalid.

Where the Quiet Title Must Be Filed

Quiet title actions must be filed in the superior court where the real property, or any part of it, is located.

The Quiet Title Judgment

The judgment binds all persons, known and unknown, claiming an interest in the property. (CCP §764.030) It binds non-parties to the lawsuit who have adverse claims in the property that was not *of record* at the time the suit was filed and lis pendens recorded. However, it is not binding on non-parties whose claim is of record prior to the lawsuit. The plaintiff must search the county recorder's records before filing to make sure that everyone is included.