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INSIGHT · REAL PROPERTY

Quiet Title in California: When You Need One and How to File

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Whether a California quiet title judgment binds a non-party turns largely on what was of record when the notice of pendency of action was filed.

California's quiet title statute, Code of Civil Procedure sections 760.010 through 764.080, is a complete procedure for determining title against adverse claims. Its pleading, party, and judgment rules differ from ordinary civil practice in ways that decide whether a judgment will bind the people it needs to bind. This memorandum states those rules as of November 2026.

I. Question Presented

When is a statutory quiet title action the appropriate remedy in California, and what must a plaintiff plead, record, and prove to obtain a binding judgment?

II. Short Answer

The action lies to establish title against any adverse "claim," which includes a legal or equitable right, title, estate, lien, interest, or **cloud upon title**. The complaint must be **verified** and contain five statutory elements. The plaintiff must record a **notice of pendency of action immediately** upon filing. The court **may not enter judgment by default**; it must take evidence of the plaintiff's title in every case. A judgment binds the parties and, with stated exceptions, non-parties whose claims were not of record when the lis pendens was filed.

III. Governing Law

A. Scope and Jurisdiction

An action may be brought "to establish title against adverse claims to real or personal property or any interest therein." (Code Civ. Proc., § 760.020, subd. (a).) A "claim" includes "a legal or equitable right, title, estate, lien, or interest in property or cloud upon title." (Code Civ. Proc., § 760.010, subd. (a).) The superior court has jurisdiction. It is deemed to have possession and control of the property for purposes of the action, and the chapter does not limit its authority to grant other equitable relief. (Code Civ. Proc., § 760.040.)

B. The Verified Complaint

Under Code Civ. Proc., § 761.020, the complaint "shall be verified" and must include:

1. A description of the property. For real property, both "its legal description" and its street address or common designation, if any.
2. The plaintiff's title and its basis. If title rests on adverse possession, the complaint must allege "the specific facts constituting the adverse possession."
3. "The adverse claims to the title of the plaintiff against which a determination is sought."
4. The date as of which determination is sought, with reasons if it is not the filing date.
5. "A prayer for the determination of the title of the plaintiff against the adverse claims."

C. Parties

The plaintiff "shall name as defendants in the action the persons having adverse claims to the title of the plaintiff against which a determination is sought." (Code Civ. Proc., § 762.010.) The plaintiff may also name "all persons unknown, claiming any legal or equitable right, title, estate, lien, or interest in the property" adverse to the plaintiff's title. If so, the plaintiff must also name those whose adverse claims are of record, known to the plaintiff, or reasonably apparent from an inspection of the property. (Code Civ. Proc., § 762.060.)

D. The Notice of Pendency of Action

The action "is commenced by filing a complaint." "Immediately upon commencement," the plaintiff must file a notice of pendency of action with the recorder of each county where the real property lies. (Code Civ. Proc., § 761.010, subds. (a), (b).) The general lis pendens statutes govern the notice:

- The notice must contain the names of all parties and a description of the affected property. (Code Civ. Proc., § 405.20.)
- An attorney of record may sign it. A self-represented party's notice requires a judge's approval before recording. (Code Civ. Proc., § 405.21.)
- Before recording, a copy must be mailed "by registered or certified mail, return receipt requested" to all adverse parties and all owners of record, and a copy filed with the court. (Code Civ. Proc., § 405.22.)

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- The notice "shall be void and invalid as to any adverse party or owner of record" unless those requirements are met and a proof of service is recorded with it. (Code Civ. Proc., § 405.23.)
- Once recorded, a later purchaser or encumbrancer takes with constructive notice. The claimant's rights, as finally determined, "shall relate back to the date of the recording of the notice." (Code Civ. Proc., § 405.24.)

E. Trial and Judgment

Code Civ. Proc., § 764.010 provides: "The court shall not enter judgment by default but shall in all cases require evidence of plaintiff's title." The court must also hear evidence offered on any defendant's claim, other than claims the plaintiff admits. The judgment binds all parties, known and unknown, who claim a present or future, vested or contingent, legal or equitable interest. It also binds non-parties whose claims were "not of record at the time the lis pendens was filed." (Code Civ. Proc., § 764.030.) It does not bind a non-party whose claim was of record when the lis pendens was filed, or was actually known to the plaintiff or reasonably apparent from an inspection of the property. (Code Civ. Proc., § 764.045.)

IV. Analysis

A. No Default Judgment: *Harbour Vista*

In *Harbour Vista, LLC v. HSBC Mortgage Services Inc.* (2011) 201 Cal.App.4th 1496, the lessee under a ground lease of the land beneath a condominium complex sued to quiet title to a unit. HSBC, which had bought the unit at a foreclosure sale, did not answer, and its default was entered. The trial court entered a default judgment on the day of the case management conference, before HSBC could file its motion to set aside the default.

The Court of Appeal reversed. It described section 764.010 as "unequivocal." (201 Cal.App.4th at p. 1502.) It held that the statute obligated the court "to hold an evidentiary hearing in open court before it adjudicated title," in which both sides could participate. (*Id.* at p. 1500.) The opinion explains that even a defendant in default has the right to appear and present evidence at that hearing. If a properly noticed hearing is held and no defendant appears, the resulting judgment is not a default judgment.

The court addressed the earlier decision in *Yeung v. Soos* (2004) 119 Cal.App.4th 576. It noted that *Yeung* had treated a judgment entered without the required evidentiary hearing as erroneous but not void on its face. *Yeung* itself states that the trial court "should have held an evidentiary hearing," but that the procedure "was merely erroneous" and the judgment was not void. (*Yeung v. Soos*, *supra*, 119 Cal.App.4th 576.) *Harbour Vista* disagreed with *Yeung* to the extent *Yeung* read section 764.010 as setting only a higher evidentiary standard rather than barring default judgments.

B. Common Triggers

Because "claim" includes any "cloud upon title," the procedure reaches more than competing deeds. It reaches liens and recorded interests that the plaintiff contends are invalid. An adverse possession claim must be pleaded with specific facts. (Code Civ. Proc., § 761.020, subd. (b).) The

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plaintiff must also satisfy Code Civ. Proc., § 325, subdivision (b), which requires occupation and claim for five continuous years and payment of all state, county, or municipal taxes levied and assessed on the land during that period.

C. Expungement Risk

A lis pendens may be challenged by motion. If the claimant has not "established by a preponderance of the evidence the probable validity of the real property claim," the court "shall order that the notice be expunged," and may not require an undertaking as a condition. (Code Civ. Proc., § 405.32.) A quiet title plaintiff should be ready to make that showing early.

V. Practical Considerations

- **Verification and description.** An unverified complaint, or one that omits the legal description, does not meet section 761.020.
- **Record and serve the lis pendens at once.** A notice not mailed and proved under sections 405.22 and 405.23 is void as to the party not served. The binding effect of the judgment on non-parties is measured from the lis pendens filing date.
- **Search and inspect before filing.** Non-parties with claims of record, or claims known to the plaintiff or apparent on inspection, are not bound. A current title report and a physical inspection reduce that risk.
- **Plan for a hearing, not a prove-up.** After *Harbour Vista*, set an evidentiary hearing in open court and give notice to all defendants, including those in default.
- **Admitted claims.** Claims the plaintiff admits as valid should be stated in the complaint. (Code Civ. Proc., § 762.060.)

VI. Authorities Cited

- *Harbour Vista, LLC v. HSBC Mortgage Services Inc.* (2011) 201 Cal.App.4th 1496
- *Yeung v. Soos* (2004) 119 Cal.App.4th 576
- Code Civ. Proc., § 325
- Code Civ. Proc., § 405.20
- Code Civ. Proc., § 405.21
- Code Civ. Proc., § 405.22
- Code Civ. Proc., § 405.23
- Code Civ. Proc., § 405.24
- Code Civ. Proc., § 405.32
- Code Civ. Proc., § 760.010
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