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PRACTICE GUIDE · REAL PROPERTY

Authorities Table

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Statutes

Citation	Subject
Cal. Code Civ. Proc. §§ 760.010–764.080	Quiet title generally
Cal. Code Civ. Proc. § 761.020	Verification; required allegations
Cal. Code Civ. Proc. § 405 et seq.	Lis pendens
Cal. Code Civ. Proc. §§ 872.210–874.323	Partition
Cal. Code Civ. Proc. §§ 874.311–874.323	Uniform Partition of Heirs Property Act
Cal. Civ. Code § 895 et seq.	Right to Repair Act (SB 800)
Cal. Civ. Code § 1946.2	Just-cause termination (AB 1482)
Cal. Civ. Code § 1947.12	Statewide rent cap (AB 1482)
Cal. Civ. Code § 4000 et seq.	Davis-Stirling Common Interest Development Act
Cal. Gov. Code § 7060 et seq.	Ellis Act
Cal. Code Civ. Proc. § 425.16	Anti-SLAPP
Cal. Civ. Code §§ 1941–1942	Habitability obligations

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Cases

Citation	Holding
Aas v. Superior Court (2000) 24 Cal.4th 627	Economic-loss rule bars negligence claims for construction defects absent property damage or personal injury.
McMillin Albany LLC v. Superior Court (2018) 4 Cal.5th 241	Right to Repair Act is the exclusive remedy for covered residential construction defects.
Hirshfield v. Schwartz (2001) 91 Cal.App.4th 749	Three-part balancing test for equitable easement in lieu of removal.
Gilardi v. Hallam (1981) 30 Cal.3d 317	Tax-payment element is essential to adverse possession.
Mehdizadeh v. Mincer (1996) 46 Cal.App.4th 1296	Modern restriction of agreed-boundaries doctrine; limits on prescriptive easement that approaches exclusive use.
Aaron v. Dunham (2006) 137 Cal.App.4th 1244	Elements of prescriptive easement; no tax-payment requirement.
C&K Engineering Contractors v. Amber Steel Co. (1978) 23 Cal.3d 1	Right to jury attaches to the legal "gist" of a mixed equitable/legal action.
Birschtein v. New United Motor Manufacturing, Inc. (2001) 92 Cal.App.4th 994	Continuing-violation doctrine; analogically applied to prolonged habitability/harassment patterns.
Green v. Superior Court (1974) 10 Cal.3d 616	Implied warranty of habitability as a defense to unlawful detainer.
Lamden v. La Jolla Shores Clubdominium Homeowners Assn. (1999) 21 Cal.4th 249	Judicial deference to good-faith HOA board decisions within their authority.
Talega Maintenance Corp. v. Standard Pacific Corp. (2014) 225 Cal.App.4th 722	Anti-SLAPP applied to HOA-board conduct.

Practice Real Property

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