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PRACTICE GUIDE · REAL PROPERTY

Practice Pointers

Grand Park Law Group · 2026



1. **Verify quiet title complaints; pick the title date deliberately.** A misstated title date can lose a winnable case.
2. **Record lis pendens early — but only when the action genuinely affects title or possession.** Wrongful recording exposes the client and counsel to expungement fees.
3. **Screen every cotenant dispute for UPHPA.** The buyout and open-market-sale provisions materially change settlement leverage; missing them is malpractice-adjacent.
4. **Run the *Hirshfield* test before filing an encroachment removal action.** If the encroachment is innocent, longstanding, and disproportionately costly to remove, a damages remedy may be the realistic ceiling.
5. **For construction defects, calendar the SB 800 timeline before the SOL.** The Act's pre-litigation periods do not toll all limitations; meticulous tracking is essential.
6. **Stack the AB 1482, local-RSO/JCO, and Ellis Act analyses for every notice.** Most defective notices are defective on a layered ordinance, not the statewide statute.
7. **Demand IDR/ADR before HOA litigation.** Skipping the prerequisite is reversible error and an attorney-fee risk.
8. **Anticipate anti-SLAPP early.** If the complaint targets board votes, member speech, or election conduct, redraft to emphasize independent injury before filing.
9. **Preserve jury rights on legal claims.** Under *C&K Engineering Contractors v. Amber Steel Co.* (1978) 23 Cal.3d 1, mixed-claim cases preserve jury trial as to legal issues; structure the pleading to preserve the right.

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10. **Tax records first in every adverse-possession case.** A single year of unpaid taxes by the claimant is fatal under *Gilardi v. Hallam* (1981) 30 Cal.3d 317.

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