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PRACTICE GUIDE · REAL PROPERTY

Quiet Title Actions (CCP §§ 760.010–764.080)

Grand Park Law Group · 2026



I. Quiet Title Actions (CCP §§ 760.010–764.080)

A quiet title action establishes title to real property against adverse claims. It is in rem (or quasi-in-rem) in character, binding "the world" to the extent proper notice is given, and it is the remedy of choice whenever a cloud — recorded or unrecorded — threatens marketability.

A. Pleading Requirements and Verification (CCP § 761.020)

Section 761.020 imposes five mandatory pleading elements, each of which must appear in a **verified** complaint:

1. A legal description of the property and, where appropriate, the street address;
2. The title of the plaintiff as to which a determination is sought, and the basis of the title;
3. The adverse claims to plaintiff's title;
4. The date as of which the determination is sought (the "title date"); and
5. A prayer for the determination of title as of that date.

Verification is not a formality. An unverified quiet title complaint is subject to demurrer or motion to strike, and the verification requirement applies even where the plaintiff is a corporation or trust (in which case an officer or trustee with personal knowledge must verify). Practitioners should also remember that quiet title is **equitable** — there is no jury right as to the title determination itself, although ancillary legal claims (slander of title, ejectment, damages) may be tried to a jury under the general California rule that the right to jury attaches to the legal "gist" of an action. *C&K Engineering Contractors v. Amber Steel Co.* (1978) 23 Cal.3d 1, 8–10; *Raedeke v. Gibraltar Sav. & Loan Assn.* (1974) 10 Cal.3d 665, 671.

The title date is the most overlooked element. In an adverse-possession case, the title date is typically the date possession ripened; in a forged-deed case, it is typically the date of the forged instrument. Selecting the wrong date can defeat an otherwise meritorious claim.

B. Lis Pendens (CCP § 405 et seq.)

A notice of pendency of action ("lis pendens") under CCP § 405.20 must be recorded contemporaneously with — or shortly after — the filing of any action that asserts a "real property claim" affecting title or possession. The lis pendens gives constructive notice to subsequent purchasers and encumbrancers.

Three statutory traps recur:

- **Service.** CCP § 405.22 requires service of the recorded lis pendens on all parties and adverse parties by registered or certified mail, return receipt requested, immediately after recordation. Failure to serve is grounds for expungement.
- **Expungement.** CCP § 405.30 and § 405.31 allow a party to seek expungement on the grounds that the action does not contain a real property claim or that the claimant cannot establish the probable validity of the claim by a preponderance of the evidence — a notable reversal of the usual burden, since the *recording* party must affirmatively defend the lis pendens.
- **Attorney's fees.** CCP § 405.38 makes fees mandatory to the prevailing party on a motion to expunge unless the loser acted with substantial justification.

GPLG should treat the lis pendens as a high-stakes pleading: mis-record it and you face a fee award; fail to record it and you risk a bona fide purchaser cutting off your client's interest.

C. Adverse-Possession Defenses

Adverse possession requires (1) actual possession, (2) hostile and adverse to the true owner, (3) under claim of right or color of title, (4) open and notorious, (5) continuous and uninterrupted for five years, and (6) payment of all taxes assessed against the property during that five-year period. *Gilardi v. Hallam* (1981) 30 Cal.3d 317, 321–22, confirms that the tax-payment element is jurisdictional in the sense that no possession, however hostile, ripens into title without it.

Defenders of title should focus first on the tax records. If the assessor billed and the record owner paid, the adverse-possession claim fails as a matter of law — even where the claimant paid taxes on a *separately assessed* sliver, if the disputed parcel was lumped with the true owner's tax bill.

D. Defects in Title (Forgery, Undue Influence, Wild Deeds)

A forged deed is **void ab initio** and conveys nothing, even to a bona fide purchaser. A deed procured by **undue influence**, by contrast, is voidable, and a BFP may take free of the equity. The distinction matters in pleading: a void-deed plaintiff need not tender; a voidable-deed plaintiff generally must. "Wild deeds" — instruments outside the chain of title — do not impart constructive notice and can be excised by quiet title without disturbing the recorded chain.

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