

BOUNDARY DISPUTE
QUIET TITLE & INJUNCTIVE RELIEF

Sample Only
Use At Your Own Risk



INSTRUCTIONS: The following is a “cause of action” to be inserted after the heading of the complaint and common allegations. Include as many other causes of action as you have claims such as fraud, accounting, etc. Your “prayer” (request for relief) comes after your causes of action and must describe the relief you are seeking for each cause of action.

_____ **CAUSE OF ACTION**

(For Quiet Title and Injunctive Relief Against _____)

1. Plaintiff _____ [name], is, and at all times mentioned in this complaint was, a resident of _____ County, California.

2. Defendant _____ [name], is, and at all times mentioned in this complaint was, a resident of _____ County, California.

3. Plaintiff does not know the true names of defendants All Persons Unknown, Claiming Any Legal or Equitable Right, Title, Estate, Lien, or Interest in the Property Described in the Complaint Adverse to Plaintiff's Title, or Any Cloud On Plaintiff's Title Thereto and DOES 1 through 10, inclusive, and therefore sues them by those fictitious names. _____ [Optionally, in addition to language in charging allegations that includes fictitiously named defendants: Plaintiff is informed and believes and on that basis alleges that each of the DOE defendants claims, or may claim, some interest in plaintiff's real property described in this complaint.] The names, capacities and relationships of DOES 1 through 10 will be alleged by amendment to this complaint when they are known.

4. Plaintiff is informed and believes and on that basis alleges, that at all times mentioned in this complaint, defendants were the agents and employees of their codefendants, and in doing the things alleged in this complaint were acting within the

course and scope of that agency and employment.

5. Plaintiff is the owner in fee and is in possession and control of real property and improvements located at _____ [location and street address of property], and more specifically described as _____ [set forth legal description of real property].

6. Plaintiff obtained fee simple title to the real property by a grant deed from _____ [name of grantor], which is dated _____ [include date of deed], and recorded as document number _____ in the official records of _____ County, California.

7. Defendant _____ [named defendant] is the owner in fee and is in possession and control of real property and improvements located at _____ [location and street address of property], and more specifically described as _____ [set forth legal description of real property].

8. The above-described properties of plaintiff and defendant _____ [named defendant] adjoin each other at the _____ [specify, such as: north] boundary of plaintiff's property and the _____ [specify, such as: south] boundary of _____'s [named defendant's] property. The true and correct boundary line between the properties of plaintiff and defendant _____ [named defendant] runs as follows: _____ [describe boundary line that plaintiff contends is correct].

9. Defendants claim an interest or estate in plaintiff's above-described property, or a portion of it, by disputing and denying that the true and correct boundary line between the properties of plaintiff and defendant _____ [named defendant] runs as described in paragraph 8 of this complaint. Plaintiff is informed, believes, and therefore alleges that defendants contend that the true and correct boundary line between the properties of plaintiff and defendant _____ [named defendant] runs as follows: _____ [describe boundary line that defendants claim to be correct]. The claim of defendants is without any right whatsoever, and defendants have no right, estate, title, or interest in the above-described property of plaintiff, or any part of it.

10. Plaintiff seeks to quiet title to the disputed portion of plaintiff's above-described property as of _____ [specify either the date of the filing of the complaint or state reasons why a determination of title as of a different date is sought].

11. Defendant _____ [named defendant] _____ [has wrongfully threatened to interfere or is interfering] with plaintiff's use of the disputed portion of plaintiff's above-described property and, in particular, has _____ [state nature of the threatened or actual interference].

12. Defendant _____'s [named defendant's] _____ [wrongful threat to interfere or actual and continuing interference], unless and until enjoined and restrained by order of this court, will cause grave and irreparable injury to plaintiff in that plaintiff _____ [will be or is being] deprived of use of the disputed portion of plaintiff's above-described property.

13. Plaintiff has no adequate remedy at law for the _____ [threatened or continuing] conduct in that it would be impossible for plaintiff to determine the precise amount of damage plaintiff will suffer if defendant _____'s [named defendant's] conduct is not restrained, and in that plaintiff will be deprived of the use of real property, which deprivation cannot be compensated in damages.

WHEREFORE, plaintiff demands judgment against defendants as follows:

1. That defendants be required to set forth each and every claim they may assert to plaintiff's above-described property;

2. That this court determine the true and correct location of the boundary line between the above-described properties of plaintiff and defendant _____ [named defendant].

3. That plaintiff's title in and to plaintiff's above-described property be quieted, that it be adjudged that the true and correct location of the boundary line between the above-described properties of plaintiff and defendant _____ [named defendant] be

as alleged by plaintiff in paragraph 8 of this complaint, and that defendants be adjudged to have no right, title, estate, lien, or interest in or to the property of plaintiff, or any part of that property;

4. For a temporary restraining order, a preliminary injunction, and a permanent injunction prohibiting defendant _____ [named defendant] from interfering with plaintiff's use of the disputed portion of plaintiff's property;

5. For attorney fees and costs incurred in this action; and

6. For such other and further relief as this court may deem just and proper.

Date: _____
_____ [Plaintiff's name]
Plaintiff *In Pro Per*

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