

COMPLAINT FOR ADVERSE POSSESSION

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

(Quiet Title By Adverse Possession 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. The names, capacities and relationships of DOES 1 through 10 will be alleged by amendment to this complaint when they are known. _____ [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 the real property described in paragraph _____ of this complaint.]

4. Plaintiff is the owner by adverse possession of real property located in _____ County, California and more specifically described as: _____ [set forth legal description]. _____ [Add if applicable any street address.]

5. Plaintiff has possession of all real property described in paragraph 4 of this complaint by actual, open, hostile, continuous, and exclusive possession.

6. Plaintiff's possession has been actual, open, hostile, continuous, and exclusive since _____ [date], in excess of the 5-year period set forth in Code of Civil Procedure sections 318, 319, 321-323.

7. Plaintiff has been in possession of the real property described in paragraph 4 of this complaint by virtue of _____ [set forth the type of written instrument, judgment, or decree, such as: a tax deed executed on _____ (date), by _____ (name), and recorded on _____ (date).]

8. Plaintiff has been in continuous possession during the 5-year period described in paragraph 6 of this complaint, adverse to defendants and to all other persons, in support of plaintiff's title to the real property and as curative of any defects in the _____ [set forth type of document whether written instrument, judgment, or decree, such as: tax deed], or other defects which might have existed with reference to it.

9. Plaintiff has paid all taxes and assessments that have been levied or assessed against the real property described in paragraph 4 of this complaint during the 5-year period.

10. Defendants claim an estate or interest in the real property described that is adverse to plaintiff.

WHEREFORE, plaintiff demands judgment against defendants as follows:

1. For judgment that plaintiff is the fee simple owner of all right, title, and interest in and to the described real property;
2. For judgment that defendants do not have any right, title, estate, or interest in or lien on the described real property;
3. For such further relief as the court may deem proper.

Date: _____

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

Gene Kinsey
Kinsey Law Offices
1198 Pacific Coast Hwy., Suite 353
Seal Beach, CA 90740

Phone: (562) 596-8177
Email: KinseyE@ix.netcom.com
Web: www.kinseylaw.com
www.realpropertypartition.com