

How to File for Quiet Title

This information is for a general quiet title action. Some states may use slightly different procedures; therefore it's important to check your state law concerning quiet title action.

To file a quiet title action, you will need the following documents:

- 1) Civil Cover sheet
- 2) Summons
- 3) Lis Pendens
- 4) Complaint
- 5) Exhibit-A: Copy of the Warranty Deed
- 6) Exhibit-B: Rescission letter or court order if applicable

Cover Sheet

The Civil Cover Sheet form is filed by the plaintiff or petitioner for the use of the Clerk of Court for the purpose of reporting judicial workload data pursuant to Florida Statute section 25.075.

Summons

This document is given to the sheriff or process server to be served on the defendant. If there is more than one defendant, additional copies will be needed.

Lis Pendens

The Lis Pendens serves to put the public on notice that a case is pending concerning a specific property.

Complaint

The complaint should have a style case and signature block in compliance with Florida filing guidelines. The sample complaint complies with the guideline.

Once the package of documents is ready, take them to the filing office at the county Court that has jurisdiction over your property. The filing fee may be a shock based on the value of the property. If you don't have the money, you can file for indigent status by filing the proper form. Your county clerk can give you the form. Once your case has been filed, the clerk will assign a case number and return to you copies of the summons, Lis Pendens and the complaint.

You need to take them to the sheriff office for process service or choose a private process server company. It is possible the summons cannot be served because the company is out of the business. If that's the case, notice should be published in the local law journal. Check with the clerk for a list of acceptable publication.

Once the summons is served:

- The plaintiff has 20 days to answer your complaint.

- If the plaintiff does not answer within that time frame, file a Motion for Default.
- When a default is entered, file a Motion for Default Judgment.
- File an affidavit in support of Motion for Default Judgment.
- Schedule a hearing with the judicial assistance after 20 days to have your motion for default judgment heard. Remember to bring a court reporter along.
- Prepare and bring with you a proposed order for Final Default Judgment Quieting Title.
- If your motion is granted, hand over the proposed order to the judge to sign.
- Once the judge signed the order, you will receive a copy by mail.
- The clerk will be ordered to record the judgment in the public record.

You're done! You have quieted your title. Enjoy your property free and clear.

For additional protection you may want to put the title under a living trust out of your name or record a new mortgage.

Quiet title is not a silver bullet; it is just another tool to protect your property. Any party can come later and try to vacate your quiet title judgment. For that reason, you need to make sure that you do it right. If a party who is entitled to service of process is not served, the judgment will most likely be vacated. Proper service of process is extremely important. Do not take it lightly. With the passing of time, the quiet title judgment becomes stronger.

You can find a Sample Quiet Title Pleading Format Case at: <http://www.fraudstoppers.org/wp-content/uploads/Sample-Quite-Title-Pleading-Format.pdf>