



# Your Title Insurance Policy And A Quiet Title Action

A Quiet Title Action is a legal mechanism that makes it possible to grant a clear title to a single owner when there is the potential for several different claims to ownership. The name of the action refers to the result of this action. By establishing a clear owner to the real property, it is possible to “quiet” all other claims. A quiet title action effectively puts to rest any claims that may result from unclear transfers of the property that took place in the past.

In order to quiet title, the claimant must request a decree from the local court of jurisdiction. As part of the process, the claimant must be able to present what the court would consider a legitimate claim to the property. For example, the claimant may be able to document that the property in question is currently occupied by the claimant. Further, the claimant would need to prove that he or she had took possession of the property in good faith, and had no idea there were other potential claimants to ownership.

If the court deems the claim to meet the standards set by the local jurisdiction, the claimant is granted what is known as an action to quiet title. This decree essentially is a formal announcement that the court recognizes the claim and believes it supersedes any other possible claims against the property. This is true even in cases in which missing heirs, liens established under prior ownership, or remainders come to light at a later date. Unless compelling evidence arises at a later date, the claimant granted the quiet title is recognized as the legal and proper owner of the property.

One common reason for seeking an action to quiet title is to clear up any possible lingering problems associated with property conveyed with the use of a quitclaim deed. A quitclaim deed basically ensures that the previous owner relinquishes all claims to the property, but does not necessarily pledge that the title is completely clear. Since the quitclaim deed does leave the door open for other former owners to claim an interest in the property, some means of protecting the interests of the current owner is necessary. That is where the quiet title comes in.

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If a property is purchased with the use of a quitclaim deed, and no title policy is issued, the new owner, if they believe there may be competing claims, should move forward with a quiet title action as soon as possible. Doing so provides the security of ownership that a quitclaim deed cannot provide. Once the quiet title is granted, the owner can be reasonably sure that the title is considered good and can proceed to make use of the property in any manner allowed by current laws.