

What is Quiet Title Anyway?

Amundsen Davis Real Estate Alert

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Quiet title actions are among the most misunderstood lawsuits in Missouri, and are often filed for the wrong reasons. Title companies may require unnecessary quiet title lawsuits. How do we demystify the quiet title action in Missouri?

Quiet title is a statutory action under Section 527.150 R.S.Mo. with the purpose of "... ascertain[ing] and determin[ing] the . . . title . . . of [the parties] in such real estate, and to define and adjudge by its judgment or decree the title . . . of the parties severally in and to such real property."

A quiet title action is a lawsuit brought by one party claiming title in real property against another party who also claims some title in that real property. Case law clarifies that, for legal standing, any party claiming title must first have viable title. Title in Missouri comes in two basic forms, legal and equitable title. Legal title may be by deed or by adverse possession. Equitable title requires the completion of some definite act to confer legal title. Equitable title is commonly present where a party has entered into a purchase agreement for real property which is not yet closed. Suffice it to say, quiet title actions are not for property acquisition, but are for determining who has better title between two parties who both claim title, be it by deed, a contract, a will, or possession of the property.

Another common misconception is that by suing "John Does" with notification by publication, the lawsuit will be binding against parties that are not present in the suit. This additional effort is wasted in most cases. Missouri courts routinely note that "[a] quiet title action is not designed to adjudicate the plaintiff's title as superior to the whole world, but only as compared to the other parties." A quiet title action, like all other lawsuits, is only binding as to the parties in the action. If some other party has a claim to title that you wish to defeat, add them as a party to the action. In a boundary dispute, a common fact pattern for quiet title actions, neighboring property owners should be included. In a quiet title action, it truly is "better safe than sorry."

Finally, another misconception exists regarding the role of the court in a quiet title action. Section 527.150 confers broad authority on a court to determine varying types and scopes of title to the property. A determination of fee simple absolute interest in the property is not required. A Missouri court presiding over a quiet title action must only determine the better title between the parties, even if the best title is held by a stranger to the lawsuit.

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It is important to remember that in Missouri, a quiet title action is not designed to determine a plaintiff's title as to the entire world, but only its title as to those parties named in the lawsuit.

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