

Quiet title actions



How to clear title and move forward with your property

INVESTORS

HOMEOWNERS

COMMERCIAL

If you own a property but can't sell it, insure it, or move forward with confidence, there's a good chance the issue is the title.

A quiet title action is the legal process used to fix that.

This guide walks you through:

1. what a quiet title action is
2. when you need one
3. how the process works
4. how long it takes, and
5. what to expect along the way

Whether you're an investor, homeowner, or commercial property owner, this will help you understand what's standing in your way and how to move forward.

What is a quiet title action?

A quiet title action is a lawsuit filed to establish clear ownership of a property.

It does two main things:

- 1 Identifies anyone who might have a claim to the property
 - 2 Legally eliminates those claims if they are not valid or not pursued
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A quiet title action puts all named defendants on notice, and if they do not respond, their claims are barred.

Once completed, the court enters a final judgment confirming ownership. This can allow the property to be sold, refinanced, or insured.

Why clear title matters

Even if you believe you own a property, that doesn't always mean the title is clean.

Without clear title, you may not be able to:

- sell the property
 - get title insurance
 - close with a buyer
 - resolve disputes
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A quiet title action removes uncertainty so the property can move forward like any normal transaction.

When you may need a quiet title action

Most people don't realize there's a title issue until something stops them.

You may be dealing with a title issue if:

- you purchased a property through a tax deed sale
 - you purchased a foreclosure property
 - there are liens or claims showing on title
 - ownership history is unclear or incomplete
 - a mortgage or lien was never properly released
 - heirs or prior owners cannot be located
 - there are competing claims to ownership
 - you are unable to obtain title insurance
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This is especially common for investors and buyers of distressed properties.

Why tax deed properties often require a quiet title action

Tax deed sales are handled administratively, not through a judge. Because of that, title companies often require a quiet title action before issuing insurance.

The goal is to:

- confirm that proper notice was given
 - address any potential claims
 - create a court-backed judgment of ownership
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Without that step, most buyers and lenders will not move forward.

How the quiet title process works

Step 1: Title search

A title company researches the property's history to identify:

- prior owners
 - lienholders
 - any parties with a possible interest
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This determines who must be named in the lawsuit.

Step 2: Filing the lawsuit

A complaint is filed in court naming all required parties. This officially begins the quiet title action.

Step 3: Serving the defendants

Each party must be notified. This is done by:

- personal service (process server), or
 - service by publication (newspaper notice) if they cannot be found
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Publication typically runs for about 30 days.

Step 4: Waiting for responses

Defendants have time to respond, and:

- if they respond → the case may be contested
 - if they do not respond → they can be defaulted
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If no response is filed, their ability to claim interest is usually lost.

Step 5: Handling complications

Some cases require additional steps, such as:

- **Missing or deceased owners:** An attorney ad litem may be appointed to locate heirs
 - **Unknown heirs:** Additional parties may need to be added
 - **Federal tax liens:** Extended response times apply
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These situations can extend the timeline.

Step 6: Final hearing

Once all parties are addressed, the court holds a final hearing. If everything is in order, the judge signs a final judgment confirming ownership.

How long does a quiet title action take?

Most quiet title actions can be completed in about **60–90 days**. However, that depends on several factors.

Cases may take longer if:

- defendants cannot be located
 - service by publication is required
 - heirs must be identified
 - an attorney ad litem is involved
 - federal tax liens are present
 - someone contests the case
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Some cases can extend several months beyond the typical timeline.

Important: Not all liens are removed

A common misconception is that a quiet title action clears everything. That's not true. Certain liens may survive.

Government liens

- Municipal liens
 - County liens
 - Special district liens
 - Code enforcement liens
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These often must be paid, negotiated, or otherwise resolved separately.

Federal tax liens

These are handled differently:

- The government must be named in the lawsuit
- They have up to 120 days to respond

In many cases, they file a disclaimer, but the timing still matters. This can also extend the case timeline.

Survey and boundary issues

A survey is not always required, but it is strongly recommended.

A survey can:

- confirm boundary lines
 - Identify encroachments or disputes
 - reveal easements
 - prevent issues at closing
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If no survey is done, title insurance may exclude certain risks.

Title insurance

Title insurance protects you from problems in the property's past. Unlike other insurance, it protects against past issues, not future ones.

Even after a quiet title action:

- errors can still exist
 - claims can still arise
 - legal issues can still surface
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Title insurance helps cover:

- legal defense
- financial loss
- ownership disputes

When in the process to get title insurance

Title insurance is typically obtained after the quiet title action is complete.

It is often recommended to:

- move quickly after the case ends
- avoid paying for a title search later

Can you sell before the quiet title action is complete?

It's usually not recommended, for a few reasons.

- Most title companies will not insure the property yet
 - Buyers may not be able to close
 - Deals may fall through
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Waiting until the final judgment is complete reduces risk.

What you can do after a quiet title action

Once the title is cleared, you can:

- sell the property
 - refinance
 - obtain title insurance
 - transfer ownership
 - develop or improve the property
 - move forward without uncertainty
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This is what makes the quiet title process valuable; it basically unlocks the property.

More frequently asked questions

Do I need a quiet title action right away, or can I wait?

It depends on your goals. If you're planning to sell, refinance, or insure the property soon, it's usually better to start sooner. Waiting can delay deals, and in some cases, issues can become harder to resolve over time, especially if parties become harder to locate.

What happens if I can't find a prior owner or lienholder?

That's common. When someone cannot be located after reasonable effort, the law allows service by publication. This means notice of the lawsuit is published publicly for a set period of time. If no response is made, the case can still move forward.

Will this show up on my record or affect me personally?

No. A quiet title action is tied to the property, not your personal record. It doesn't impact your credit or function like a lawsuit against you; it's simply a legal process to clarify ownership.

Can I lose the property during a quiet title action?

It's rare, but possible if someone with a valid legal claim comes forward and proves ownership. That's why the process exists — to resolve those claims. In many cases, no valid claims are made, and the court confirms your ownership.

What if I want to sell quickly? Is there any workaround?

There usually isn't a reliable shortcut. Most buyers and title companies will require clear, insurable title before closing. Trying to sell without resolving title issues often leads to delays, renegotiations, or failed contracts.

What should I do before starting a quiet title action?

It helps to prepare by gathering any documents you have related to the property, understanding how you acquired it, and being clear about your goal (sell, hold, refinance, etc.) This helps the process move faster and avoids unnecessary delays early on.

Is a quiet title action a one-time fix?

In most cases, yes. Once completed and followed by title insurance, the issue is considered resolved. Future buyers and lenders should be able to rely on the cleared title without repeating the process.

What happens if I don't do a quiet title action?

In many cases, the property stays stuck. You may not be able to sell it, insure it, or close with a buyer. Over time, issues can become harder to resolve as parties become more difficult to locate or records become harder to verify.

Final thoughts

A quiet title action is not just a legal formality. It is often the step that turns a risky or uncertain property into something you can actually use, sell, or invest in.

If you're unsure whether you need a quiet title action or what your next step should be, it's worth getting clarity before making a decision that could cost time or money.



WILKES & MEE

Alisa Wilkes

(904) 620-9545