

QUIET TITLE TO REAL PROPERTY (LAND)

INSTRUCTIONS FOR FILING

Quiet Title Statute: K.S.A. 60-1002: Quieting or determining title or interest in property.

- (a) **Right of action.** An action may be brought by any person claiming title or interest in personal or real property, including oil and gas leases, mineral or royalty interests, against any person who claims an estate or interest therein adverse to him or her, for the purpose of determining such adverse claim.
- (b) **Action to bar lien claim, when.** When a lien on property has ceased to exist, or when an action to enforce a lien is barred by a statute of limitation or otherwise, the owner of the property may maintain an action to quiet title.

RELATING TO REAL PROPERTY (BUILDINGS AND LAND), SUCH AS HOMES, LOTS, OR OTHER PROPERTY WHERE YOU HAVE SOME CLAIM

The ordinary purpose of a suit to quiet title is to make the Plaintiff's ownership complete as against any claim asserted by the defendant. The usual effect of the decree is to bar others from claiming interest in the property affected.

When a person or business attempts to purchase a piece of land, there may be problems that need to be fixed. For example, unresolved liens, or owners that no longer reside there.

Often this is because the former owner of the land did not have clear title, or others are erroneously or fraudulently named on the title.

In order to transfer a piece of land belonging to family member who is deceased, you may need to file a claim in Probate Court.

Facts about filing a Quiet Title to Land Action

*****ALL FORMS, INCLUDING NOTICE OF SUIT, MUST BE FILLED OUT COMPLETELY OR YOUR CASE COULD BE DISMISSED*****

A Quiet Title to Land Action can be used to clear up the ownership of land that have a legitimate right to own.

This can include a home, a lot, or a plot of land such as farmland.

The FIRST step is to get a copy of the deed to the property, bill of sale, contract for deed, or other document transferring title to the land to you. NOTE: all transfers of real property (land or buildings) must be in writing, signed by the previous owner(s) and the current owner(s).

You need the LEGAL DESCRIPTION of the property that you own, this should be on the deed to the land. If there is no deed to the land you may need to value or survey the plot for a legal description.

Terminology

- Plaintiff = Person who files the Petition
- Defendant = Person to be served (previous owners)

Completing Court Documents:

Every document filed in court starts and ends the same way. It should begin with a Case Caption like this:

**IN THE 29th DISTRICT COURT OF WYANDOTTE COUNTY, KANSAS
CIVIL ACTIONS DEPARTMENT**

In the Matter of:

Jane Doe,

Plaintiff.

Case No. 2020-CV-xxxxx

v.

John Doe,

Defendant.

TITLE TO REAL

PROPERTY INVOLVED

PETITION FOR QUIET TITLE TO LAND ← This is the Title of the Document

Every court document ends with a signature block, so you know who is filing it, like this:

Respectfully Submitted

/s/Jane Doe

Jane Doe

1234 Sesame St. Apt. A

Kansas City, KS 66101

Tel: 913-555-4321

Email: janedoe@internet.com

Instructions to filing a Quiet Title Action

1. Complete the Civil Information Sheet, SRL Certificate, Petition, and Request and Service Instruction Form
2. Sign the Petition for Quiet Title before a Notary Public
3. File your case with the Clerk of the District Court, 3rd Floor Civil Department.
4. You must pay the court costs of \$195.00.

Instructions for service

You must notify the Defendant(s) in one of the following ways:

“Sheriff Service” You must fill out a Request for Service Form, requesting that the sheriff deliver the Petition to the Respondent. If they live in Kansas, you must pay a sheriff’s service fee of \$15. If they live in a State other than Kansas, it is your responsibility to find out the procedures required by the sheriff in that state and county and to pay any fees required.

“Certified Mail Service”: You must mail the summons and Petition for Quiet Title by certified mail - return receipt requested to the Defendant at his or her last known residential address. **IT IS YOUR RESPONSIBILITY TO MAIL THESE DOCUMENTS.** File the “green” “return-receipt card” with the Clerk when you receive it from the US Postal Service.

“Service by Process Server”- In Wyandotte County only, you may have any defendant that can be served in Wyandotte County served by the Court Process Server for no additional fee.

“Publication”: If you cannot provide notice of the Quiet Title Action to the Respondent under either (a), (b), or (c) then you may be able to provide notice of the Quiet Title Action by publishing notice in a local newspaper. In order to obtain “publication service,” you must request permission to do so by filing the “Affidavit for Service by Publication,” and obtaining an order from the assigned judge allowing you to publish notice. After you obtain the signed “Order Allowing Service by Publication”, you must then publish the attached notice in the Legal Publication for the county in which the case is filed. For Wyandotte County, use either The Wyandotte Echo or The Wyandotte County Business News. The notice must be filed three separate times, one week apart each time. The notice must notify the person they have a certain amount of time to answer, which must be at least forty-one days from the day the publication first runs. You must obtain “proof of publication” from the newspaper and file the proof with the court. Court personnel cannot help you with this process.

You are asked to state the value of your real property

- The County establishes values for all plotted land in the county you can use that value of the land in order to state the value of your property.
- If you believe the land is worth more or less than the county appraisal you can get your own appraisal.

TO FINALIZE YOUR CASE

Once you have provided notice to all parties and the time for them to respond to your notice (the answer period) has run out, you can request a hearing date from the Judge's Administrative Assistant and file your Notice of Hearing with the Clerk of the District Court and send a copy of the Notice of Hearing to all parties.

On the Court date, take your Order for Quiet Title with you to Court.

You may be able to have the Judge sign it immediately, as a default Order, or you may be required to leave the order for the Judge to sign later, depending on Court process and the Judge's schedule. You must file the Order with the Clerk of the Court. The clerk will provide you with copies of the order.

Take the signed Order Quieting Title to the Register of Deeds (1st Floor) to get a new Deed Issued.

If, after reading the instructions you still have questions about how to fill out and file your case, you will need to contact an attorney for assistance.

Self-Represented Litigant Certification Form

By signing this form, I certify that, to the best of my knowledge, information, and belief, and based on my reasonable review of the document's contents, the attached filing complies with the certification requirements in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant as follows:

(a) I have signed the attached filing and provided my name, address, email address (if available), telephone number, and fax number (if available); and

(b) The attached filing contains no personally identifiable information (PII) or meets an exception in the Temporary Rule for Filing in a District Court by a Self-Represented Litigant because the filing (check box that applies):

contains no PII (if this box is checked, do not check any other boxes); or

requests that this document be sealed under the Temporary Rule for Filing in a District Court by a Self-Represented Litigant for the following reason (check box that applies):

a pre-existing order was entered by the court on _____ that seals this document;

this document asks the court to issue an order that seals the following document: [include general description of document contents without including PII.] _____;

or this document asks the court to seal the following document already filed in the case: [describe the document already on file so that the clerk can identify it without using PII]
_____.

Date: _____

Signature: _____

Name of Party: _____

CIVIL COVER SHEET

The civil cover sheet neither replaces nor supplements the filing and service of pleadings or other papers as required by law. This form is required for use by the Clerk of the District Court for the purposes of initiating the civil docket sheet. **This information will not be available to the public and this document will be stored in a separate location from the case file and then destroyed within a reasonable time.** A new case **will not be accepted** without a cover sheet attached. (THIS FORM MUST BE TYPED OR PRINTED LEGIBLY). This form can be found at www.kscourts.org.

NATURE OF SUIT (Mark only one - If the case involves more than one of the following categories, indicate the category having the highest dollar value.)

CIVIL

If a CH. 61: \$ _____ (Judgment Demand Amount)

TORT

- Asbestos Product Liability
- Automobile Tort
- Intentional Tort
- Legal Malpractice
- Medical Malpractice
- Other Professional Malpractice
- Premises Liability
- Slander/Libel/Defamation
- Tobacco Product Liability
- Toxic/Other Product Liability
- Other Tort

CONTRACT

- Buyer Plaintiff
- Employment Dispute – Discrimination
- Employment Dispute - Other
- Fraud
- Landlord/Tenant - Unlawful Detainer
- Landlord/Tenant Dispute – Other
- Seller Plaintiff (debt collection)
- Other Contract

CIVIL APPEALS

- Administrative Agency
- Other Civil Appeal

REAL PROPERTY

- Eminent Domain
- Mortgage Foreclosure
- Other Real Property

MISCELLANEOUS

- 60-1507
- Habeas Corpus
- Other Writs

OTHER CIVIL

SMALL CLAIMS

STATE TAX WARRANT

DOMESTIC

- MARRIAGE DISSOLUTION/DIVORCE PROTECTION FROM ABUSE PROTECTION FROM STALKING UIFSA
- OTHER DOMESTIC RELATIONS NON-DIVORCE SUPPORT, CUSTODY OR VISITATION PATERNITY

PROBATE/ESTATE

GUARDIAN/CONSERVATOR

- Conservatorship/Trusteeship
- Guardianship - Adult
- Guardianship - Minor
- Guardian/Conservator - Adult
- Guardian/Conservator – Minor

DETERMINATION OF DESCENT

SEXUALLY VIOLENT PREDATOR

DECEDENT ESTATE CARE AND TREATMENT

ELDER ABUSE

ADOPTION

OTHER PROBATE/ESTATE

JURY DEMAND

- YES (Check yes only if jury demand is included in petition or as a separate pleading)
- NO

SUMMONS ATTACHED:

- YES
- NO

SERVICE BY:

PROCESS SERVER/ATTORNEY
 SHERIFF IN STATE _____ (County)
 SHERIFF OUT OF STATE _____ (State)

SHERIFF'S PROCESS FEE ATTACHED

- YES
- NO

PLAINTIFF/SUBJECT INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

DEFENDANT/OTHER PARTY INFORMATION
(ATTACH ADDITIONAL SHEET, IF NECESSARY)

NAME: _____

ADDRESS: _____

PHONE: _____ SEX: _____

CELL PHONE: _____

E-MAIL: _____

SSN: _____ DOB: _____

DL OR STATE ID NO: _____
State and Number

ALIAS NAMES USED: _____

ATTORNEYS

(Firm Name, Address, Telephone Number and
Supreme Court ID Number)

**FOR DOMESTIC CASES - NAME, DATE OF BIRTH AND SOCIAL SECURITY NUMBER OF EACH
DEPENDENT CHILD:**

(Name)	(Date of Birth)	(Social Security Number)
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

The requirement that Social Security numbers be included on domestic cases is mandatory and authorized by the Supreme Court and federal law. On non-domestic cases, the Social Security number is not mandatory. The number is used for purposes of identification and may be disclosed as permitted by law. This form is not considered to be a public record.

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Defendant- Person you bought it from/Name on Deed
Pursuant to Chapter 60 of
Kansas Statutes Annotated

**TITLE TO REAL ESTATE
INVOLVED**

PETITION FOR QUIET TITLE
PURUSANT TO K.S.A. 60-1002

COMES NOW the Petitioner, _____, and for his/her
claim against Defendant(s) who may have an interest in real property

_____ (address;

City/State/Zip) legally defined as:

, herein states:

1. Petitioner, _____, is a resident of Wyandotte County,
Kansas, residing at

_____, I have resided therein since: _____ (date).

2. I am the rightful owner, and title claimant, and am in possession of property
located at: _____ (address;
City/State/ZIP). I have claimed this interest since _____ (date).

3. I estimate the value of this property to be \$ _____.

4. I have determined that there is not a lien on this property, through a records inquiry with the Wyandotte County Register of Deeds.

5. Pursuant to K.S.A. 60-1002, an action may be brought by any person claiming title or interest in personal or real property, including oil and gas leases, mineral or royalty interests, against any person who claims an estate or interest therein adverse to him or her, for the purpose of determining such adverse claim.

6. The reason I have been unable to obtain a title is: (put in your explanation here)

THEREFORE, petitioner requests judgment as follows:

That the Defendant and all persons who may be interested in the above- describe property, quieting title to _____
(address; City/State/ZIP) in the name of Plaintiff

_____ and in no other party; and for judgment against the defendant, and Ordering that the Title for Real Estate above be Quieted in favor of Plaintiff, and for said property; for the costs of this action to be assessed to the Petitioner and for other and further relief as the Court deems just and proper.

Submitted by

Plaintiff

Print Name: _____

Address: _____

City, State, Zip Code: _____

Phone: _____

SUBSCRIBED AND SWORN to before me, a notary public, this _____ day of _____, 20__.

Notary Public

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____
Chapter 60

Defendant

REQUEST AND SERVICE INSTRUCTION FORM

To: The Clerk of the District Court

The Clerk of the Court will issue a Summons and Petition in the above-entitled action to (list name and address of the person(s) to be served)

The Clerk is hereby instructed to effect service as follows:

___ a. Certified mail service by the undersigned pro se litigant, who understands that the responsibility for obtaining service shall be their own. The Return of Service (green card) must be filed with the Clerk of the Court prior to the Hearing date.

___ b. Personal Service through the Office of the Civil Process Server.
(Party to be served must live in Wyandotte County, Kansas)

___ c. Personal Service through the Office of the Sheriff of
_____ County, State of _____.
(A money order made out to that Sheriff's Office must accompany paperwork)

Signature

Use the next set of papers, if services by publication is required on any defendants. If there are no defendants receiving service by publication, you don't need these forms.)

You will need the:

AFFIDAVIT & ORDER TO OBTAIN SERVICE BY PUBLICATION – which you complete and file with the Clerk.

NOTICE OF SUIT – which you will give to the paper that files legal publication in your county.

AFFIDAVIT OF SERVICE – which you complete after you have mailed notice to the last known address for each defendant served by publication. You must mail a copy of the notice from the newspaper to the last address, even if you know that is no longer the address of the Defendant.

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Defendant- Person you bought it from/Name on Deed

Pursuant to Chapter 60 of
Kansas Statutes Annotated

AFFIDAVIT TO OBTAIN SERVICE BY PUBLICATION

STATE OF KANSAS
WYANDOTTE COUNTY

I _____, being duly sworn upon oath, alleges and states:

FIRST: That I am the Plaintiff in the above-captioned action and makes this affidavit for the purpose of obtaining service by publication upon the Defendant(s),

SECOND: That Plaintiff does not know and with due diligence is unable to ascertain the residence of the Defendant(s).

THIRD: That Plaintiff is unable to procure personal service of summons upon the Defendant(s) within this state.

FOURTH: That this action is one of those mentioned in K.S.A. 60-307 (a) (1 to 4 inclusive), and amendments thereto.

Plaintiff

SUBSCRIBED AND SWORN TO BEFORE ME, a Notary Public, on this ____ day of _____, 20____.

Notary Public

My Appointment Expires:

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Defendant- Person you bought it from/Name on Deed

Pursuant to Chapter 60 of
Kansas Statutes Annotated

ORDER ALLOWING SERVICE BY PUBLICATION

The Court finds:

1. The Petitioner filed an Affidavit seeking publication service upon the Defendant.
2. After inquiry of the Petitioner, it appears to the Court that the Petitioner does not now know where the Defendant lives, it appears that the Petitioner has made reasonable efforts to find out where the Defendant is living but has not been able to find out that information, and it appears that the Petitioner has done all things reasonably necessary to try to find out where the Defendant is living.
3. The Petitioner is allowed to give notice to the Defendant of the filing of the Quiet Title Action by publication service as is provided by K.S.A. 60-307.

IT IS SO ORDERED.

Judge of the District Court

Submitted by:

X _____

Signature of Petitioner

Petitioner's Name (Print): _____

Address: _____

Address: _____

City, State, Zip: _____

Telephone: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Defendant- Person you bought it from/Name on Deed

Pursuant to Chapter 60 of
Kansas Statutes Annotated

NOTICE OF SUIT

The State of Kansas to _____ (Name of Defendant):

You are notified that a Petition for Quiet Title was filed in the District Court of Wyandotte County, Kansas praying that title to property stated in the Petition be awarded to the Plaintiff. You must file an answer to the Petition for Quiet Title with the court and provide a copy to the Petitioner on or before _____, 20____, which shall not be less than 41 days after first publication of this Notice of Suit, or the court will enter judgment against you on that Petition.

X _____
Signature of Petitioner

Petitioner's Name (Print): _____

Address: _____

Address: _____

City, State, Zip: _____

Telephone: _____

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Petitioner

Vs

Case No. _____

Defendant- Person you bought it from/Name on Deed

Pursuant to Chapter 60 of
Kansas Statutes Annotated

AFFIDAVIT

**STATE OF KANSAS
WYANDOTTE COUNTY**

Your name, of lawful age, being duly sworn upon oath, states that:

On this _____ day of _____, 20____, a copy of the publication notice was
mailed by first class, postage prepaid, United States mail to:

(list name and address you mailed to)

Plaintiff

**YOU MUST FILL
OUT THE
FOLLOWING
ORDER AND TAKE
IT WITH YOU TO
COURT. WHEN
COURT IS OVER,
YOU MUST FILE IT
IN THE CIVIL
DEPARTMENT, 3RD
FLOOR.**

IN THE 29TH JUDICIAL DISTRICT
DISTRICT COURT WYANDOTTE COUNTY, KANSAS
CIVIL DEPARTMENT

Plaintiff,

vs.

Case No. _____

Defendant(s)

TITLE TO REAL ESTATE
INVOLVED

Pursuant to Chapter 60 of
Kansas Statutes Annotated

ORDER TO QUIET TITLE

NOW, on this ____ day of _____ (month) ____ (year), after hearing and review of the record of the Court and the County of Wyandotte, Kansas. The Court orders as follows:

1. The following parties have made their appearance:
 - a. Plaintiff: _____
 - b. Defendant(s) _____
2. This Court has been duly advised of the premises, and finds that sufficient legal process has been completed by means of: _____
3. The Court orders that Title to the following property be rested solely in _____, Plaintiff:
 - a. _____

_____. (legal description)

Dated: _____.

Signature, Judge

Plaintiff