

The Santa Rosa County School District (the “District”) hired a Title Company to perform a title search on the Berryhill Administrative Complex property to confirm they can insure that the entire parcel has good and clear title. The Title Company has been unable to locate deeds in the public records conveying title to the District for 2 of the 8 lots that comprise the Berryhill property. Information in the District’s own files indicated that it also does not have any record of such deeds. The Santa Rosa County Property Appraiser’s records first showed these lots as being owned by the District since the 1950s.

A quiet title action is the process that exists to clear-up this type of issue so that good title can be conveyed to a buyer and the buyer can obtain title insurance. A quiet title action is a civil lawsuit filed in Circuit Court. The property owner, in this case the District, will bring the action and will be asking the judge to issue a judgement vesting title solely in the District and cutting off the rights of any persons who may otherwise claim any interest in the property or who could otherwise cloud the title (such as heirs of a deceased prior owner, old lien holders against prior owners, etc.).

The District will need to prosecute such a quiet title action in order to obtain good title to those 2 lots. To quiet title, a complaint is filed with the Court naming any known parties that may have an interest (there are probably no known parties here). The complaint would articulate the basis of the District’s record ownership and the error or cloud that has been identified, and would assert that no other parties have been in possession of the property. Clark Partington “CP” has specialists who are extremely familiar with the quiet title process and the court system.

Once filed, any known parties are served and a notice of action is published for any unknown parties. Once all parties are served and have had time to respond (20 days from service of the complaint), the District would proceed with a motion for summary judgment. That motion would be set for hearing before the presiding judge. Even if there is no opposition, usually the court will require a hearing.

At the hearing, a final judgment quieting and confirming title in the name of the District will be entered and recorded in the public records. An uncontested quiet title action can usually be completed within 6 - 9 months depending on the court's availability. Assuming no interested parties come forward, the process may be able to be expedited some.

CP will file the suit representing the District, and estimates that the fees and costs would be between \$5,000-\$10,000, depending on the number of parties that need to be served with process and whether anyone comes out of the woodwork as a result of the notice by publication.