

MCLE SELF-STUDY

ETHICS — ALL BY MYSELF: ETHICAL DUTIES PROSECUTING QUIET TITLE ACTIONS

WHEN THE OTHER SIDE IS ABSENT AND/OR UNKNOWN

MCLE SELF-STUDY TEST

- 1 California's Code of Civil Procedure provides a means to naming as defendants unknown parties who may claim an interest in title to real property.
 True False
- 2 Attorneys owe no duty of candor in cases where defendants do not respond to the action because those defendants are defaulted.
 True False
- 3 California's Code of Civil Procedure provides no means for naming as defendants testate and intestate successors of a decedent and his or her heirs.
 True False
- 4 Service by publication of a summons should be made in a newspaper of general circulation in the county of the real property at issue.
 True False
- 5 Applying to serve defendants by publication of the summons cannot be made on an ex parte basis.
 True False
- 6 Service by publication of the summons is always available as an option; it is not a method of "last resort" for service.
 True False
- 7 Due diligence attempts at service of the complaint include attempted service by mail with acknowledgement of receipt.
 True False
- 8 Due diligence attempts at service of the complaint cannot include mere inquiries with neighbors, family members, and others who may know or have known the defendant.
 True False
- 9 You should never hire a private investigator to locate a defendant for service.
 True False
- 10 A hearing with live testimony is required to obtain a default judgment seeking to quiet title to real property.
 True False
- 11 The court can take judicial notice of the contents of any document contained in court records or recorded in a county's official records.
 True False
- 12 The Contra Costa County Bar Association's standards of professional conduct do not address the issue of an attorney's duty of candor owed to the court.
 True False

Continued on next page ►

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(PAGE 2)**

13 It is good practice to have a plaintiff owner of real property personally testify at a default judgment prove-up hearing to establish ownership, payment of taxes, and other personal knowledge in support of his or her claims.

True False

14 When there are no participating defendants in a case, you cannot appear ex parte on any motion, and must file all motions by regular statutory notice.

True False

15 For quiet title claims, California's Code of Civil Procedure permits some unknown defendants to be named as "All Persons Unknown Claiming Any Legal or Equitable Right, Title, Estate, Lien or Interest in the Property Described in the Complaint Adverse to Plaintiff's Title, or Any Cloud on Plaintiff's Title Thereto are unknown to Plaintiff."

True False

HOW TO RECEIVE ONE HOUR OF MCLE CREDIT

Answer the test questions, choosing the one best answer to each question. Mail this Self-Study and your payment (\$30 per credit hour for CCCBA members/\$45 per credit hour for non-members) to CCCBA at the address below. Certificates are dated as the day this form is received. (9915)

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