

Chapter XVII

REAL PROPERTY

CONDENSED OUTLINE

I. IN GENERAL

- A. Restatement and Texts.**
- B. Uniform Laws.**
- C. Definitions.**
- D. Conflict of Laws.**

II. ESTATES

- A. In General.**
- B. Freehold Estates.**
- C. Ownership by Cotenants.**
- D. Ownership in Common Interest Developments.**
- E. Future Interests.**
- F. Perpetuities.**
- G. Validity of Conditions Restricting Property Interests.**

III. TITLES

- A. In General.**
- B. Adverse Possession.**

REAL PROPERTY

- C. Accretion.
- D. Dedication.
- E. Deeds.
- F. Marketable Record Title.
- G. Title Insurance.
- H. Repeal of Torrens (Title Registration) Law.

IV. RIGHTS INCIDENTAL TO POSSESSION

- A. Waste.
- B. Adjoining Landowners.

V. RIGHTS IN THE LAND OF ANOTHER

- A. Easements and Profits.
- B. Licenses.
- C. Covenants Running With the Land.
- D. Equitable Servitudes.
- E. Rights of Innocent Improver.

VI. SALES AND TRANSFERS OF RESIDENTIAL REAL PROPERTY

- A. Implied Warranty in Sale.
- B. Disclosure Regarding Agency Relationship.
- C. Disclosures Regarding Condition of Property.
- D. Home Inspections.
- E. Appraisals of Real Property.
- F. Arbitration Provision in Real Property Sales Contract.

VII. LANDLORD AND TENANT RELATIONSHIP

- A. Statutory Framework.**
- B. Types of Tenancy.**
- C. Other Relationships Distinguished.**
- D. Leases.**

VIII. RENT

- A. In General.**
- B. Apportionment of Rent.**
- C. Rent Control.**

IX. OTHER RIGHTS AND LIABILITIES OF LANDLORDS AND TENANTS

- A. Possession.**
- B. Fitness for Use and Duty To Repair.**
- C. Landlord's Liability for Injuries.**
- D. Insurance.**
- E. Condemnation.**
- F. Taxes.**
- G. Competing Use.**
- H. Termination of Tenancy.**
- I. Right To Remove Fixtures.**
- J. Conversion of Rental Housing to Condominiums.**

X. LANDLORD AND TENANT REMEDIES

- A. Landlord's Remedies.**

REAL PROPERTY

B. Tenant's Remedies.

XI. MOBILEHOMES

- A. In General.**
- B. Rental Agreement.**
- C. Rent Control.**
- D. Fees and Charges.**
- E. Management of Mobilehome Park.**
- F. Homeowner Meetings.**
- G. Transfer of Mobilehomes.**
- H. Termination of Tenancy.**
- I. Actions and Penalties.**
- J. Conversion of Mobilehome Park.**

XII. OIL AND GAS LEASES

- A. In General.**
- B. Form and Content of Lease.**
- C. Lessee's Principal Obligations.**
- D. Termination of Lease.**
- E. Transfer of Interest in Lease.**

XIII. ENVIRONMENTAL REGULATION OF REAL PROPERTY

- A. Land Use Planning and Regulation.**
- B. Resource Conservation and Management.**
- C. Pollution Control.**

XIV. WATERS

- A. Systems and Classifications of Water Rights.**
- B. Nature of Rights to Water.**
- C. Administration of Water Rights.**
- D. Rights in Surface Waters.**
- E. Underground Waters.**
- F. Injuries to Property Caused by Waters.**

DETAILED OUTLINE

I. IN GENERAL

- A. [§1] Restatement and Texts.**
- B. [§2] Uniform Laws.**
- C. [§3] Definitions.**
- D. Conflict of Laws.**
 - 1. [§4] In General.
 - 2. Conveyances.
 - (a) [§5] Validity and Effect.
 - (b) [§6] Interpretation and Construction.
 - 3. [§7] Transfer by Operation of Law.
 - 4. [§8] Powers.

II. ESTATES

- A. In General.**
 - 1. [§9] Nature of Estates in Real Property.

REAL PROPERTY

2. [§10] Classification of Estates.
3. [§11] Rule in Shelley's Case Abolished.
4. [§12] Doctrine of Worthier Title Abolished.
5. Interpretation of Conveyances.
 - (a) [§13] Contract Rules Apply.
 - (b) [§14] Interest Passing.
 - (c) [§15] Operative Words of Conveyance.

B. Freehold Estates.

1. Estates of Inheritance.
 - (a) [§16] In General.
 - (b) [§17] Fee Simple Absolute.
 - (c) Fee Subject to Condition Subsequent.
 - (1) [§18] Nature of Estate.
 - (2) [§19] Construction To Avoid Forfeiture.
 - (3) [§20] Breach, Termination, and Waiver.
 - (4) [§21] Rights of Owner.
2. Life Estates.
 - (a) Creation of Life Estates.
 - (1) [§22] By Deed.
 - (2) [§23] By Will.
 - (b) Rights and Powers of Life Tenant.
 - (1) [§24] Possession, Use, and Actions.
 - (2) [§25] Crops.
 - (3) [§26] Insurance and Condemnation Award.
 - (4) [§27] Compensation for Permanent Improvements.
 - (5) [§28] Conveyance and Partition.
 - (6) [§29] Power To Consume Corpus.

REAL PROPERTY

- (c) Duties and Liabilities of Life Tenant.
 - (1) [§30] In General.
 - (2) [§31] Waste and Permissible Use.

C. Ownership by Cotenants.

- 1. [§32] In General.
- 2. Joint Tenancy.
 - (a) Nature of Joint Tenancy.
 - (1) [§33] In General.
 - (2) [§34] Right of Survivorship.
 - (b) [§35] Creation of Joint Tenancy.
 - (c) Nature of Interest Held in Joint Tenancy.
 - (1) [§36] Equitable Interest.
 - (2) [§37] Undivided Interest.
 - (3) [§38] Life Estate in Joint Tenancy.
- 3. Tenancy in Common.
 - (a) [§39] In General.
 - (b) [§40] Failure of Joint Tenancy.
- 4. Rights, Powers, and Obligations of Cotenants.
 - (a) Possession and Use.
 - (1) [§41] In General.
 - (2) Establishing Ouster.
 - (aa) [§42] Statutory Procedure.
 - (bb) [§43] Conduct of Cotenant in Possession.
 - (b) [§44] Insurance.
 - (c) [§45] Protection Against Third Persons.
 - (d) [§46] Contribution.
 - (e) [§47] Compensation.
 - (f) [§48] Accounting for Rents and Profits.

REAL PROPERTY

- (g) Agreements and Transfers.
 - (1) [§49] In General.
 - (2) [§50] Lease.
 - (3) [§51] Easement or License.
 - (4) [§52] Homestead.
- 5. Termination of Cotenancy.
 - (a) Severance by Joint Tenant.
 - (1) [§53] Agreement With Other Joint Tenant.
 - (2) Conveyance to Third Person.
 - (aa) [§54] Tenancy in Common With Third Person.
 - (bb) [§55] Joint Tenancy With Other Tenants.
 - (3) [§56] Rescission of Decedent's Conveyance.
 - (4) [§57] Joint Tenant's Conveyance to Self.
 - (5) [§58] Unilateral Termination of Homesteaded Property.
 - (6) Recorded Conveyance or Declaration.
 - (aa) [§59] Nature and Purpose of Statute.
 - (bb) [§60] Methods of Severance.
 - (cc) [§61] Recordation.
 - (dd) [§62] Severance Under Statute Is Not Transfer of Property.
 - (b) [§63] Death of Joint Tenant.
 - (c) Partition by Cotenants.
 - (1) [§64] Nature of Partition.
 - (2) [§65] Nature and Scope of Statute.
 - (3) Commencement of Action.
 - (aa) [§66] Parties.
 - (bb) [§67] Complaint and Lis Pendens.
 - (cc) [§68] Summons.
 - (dd) [§69] Answer.

REAL PROPERTY

- (4) Trial.
 - (aa) [§70] Determination of Interests.
 - (bb) [§71] Determination of Right To Partition.
 - (cc) [§72] Waiver of Right.
 - (dd) [§73] Determination of Manner of Partition.
 - (ee) [§74] Interlocutory Judgment.
- (5) Referees.
 - (aa) [§75] Appointment.
 - (bb) [§76] Authority of Referee.
- (6) [§77] Division of Property.
- (7) Sale of Property.
 - (aa) [§78] Procedure.
 - (bb) [§79] Consummation of Sale.
 - (cc) [§80] Disposition of Proceeds.
- (8) [§81] Partition by Appraisal.
- (9) [§82] Costs of Partition.
- (10) [§83] Judgment.

D. Ownership in Common Interest Developments.

- 1. Nature and Regulation.
 - (a) [§84] Common Interest Development Acts.
 - (b) [§85] Additional Statutes.
 - (c) [§86] Commentary and Uniform Acts.
- 2. Definitions.
 - (a) [§87] Common Interest Development.
 - (b) [§88] Condominium, Condominium Plan, and Condominium Project.
 - (c) [§89] Community Apartment Project.
 - (d) [§90] Stock Cooperative.
 - (e) [§91] Planned Development.
 - (f) [§92] Separate, Common, and Exclusive Areas.

REAL PROPERTY

3. Governing Documents.
 - (a) [§93] In General.
 - (b) Declaration.
 - (1) [§94] Contents.
 - (2) [§95] Amendment and Extension.
 - (c) [§96] Operating Rules.
4. Managing Association.
 - (a) [§97] Creation and Status.
 - (b) [§98] Managing Agent.
 - (c) [§99] Common Interest Development Manager.
 - (d) [§100] Delivery of Documents to and From Association.
 - (e) Annual Reports.
 - (1) [§101] Financial Statements.
 - (2) [§102] Insurance Summary.
 - (3) [§103] Annual Policy Statement.
 - (f) Meetings and Records.
 - (1) [§104] Member Meetings.
 - (2) [§105] Board Meetings.
 - (3) [§106] Disciplinary Meetings.
 - (4) [§107] Minutes and Records.
 - (g) [§108] Voter Approval and Association Elections.
 - (h) Maintenance of Development.
 - (1) [§109] Association's Responsibility.
 - (2) [§110] Standard of Review of Association's Maintenance and Development Decisions.
 - (i) Actions by and Against Association.
 - (1) [§111] Standing To Sue.
 - (2) [§112] Property Damage.
 - (3) [§113] Tort Liability.

REAL PROPERTY

5. Assessments.
 - (a) [§114] In General.
 - (b) [§115] Increases for Residential Developments.
 - (c) [§116] Penalties.
 - (d) [§117] Payment and Delinquency.
 - (e) Liens.
 - (1) [§118] Procedures Before Recordation.
 - (2) [§119] Recordation.
 - (f) Collection and Enforcement.
 - (1) [§120] In General.
 - (2) Collection of Debts for Residential Assessments.
 - (aa) [§121] Lower Value and Shorter Delinquency.
 - (bb) [§122] Higher Value or Longer Delinquency.
6. Owners' Compliance With Covenants and Restrictions.
 - (a) [§123] Requirement of Reasonableness.
 - (b) Particular Restrictions.
 - (1) [§124] Pets.
 - (2) [§125] Age.
 - (3) [§126] Common Areas.
 - (4) [§127] Improvements and Modifications.
 - (5) [§128] Voting Rights.
 - (6) [§129] Transfer Rights.
 - (7) [§130] Other Restrictions.
7. [§131] Partition.
8. [§132] Liens for Labor and Materials.
9. Enforcement of Governing Documents.
 - (a) [§133] Parties to Enforcement.
 - (b) [§134] Statute of Limitations.

REAL PROPERTY

- (c) [§135] Attorneys' Fees.
- (d) Dispute Resolution for Residential Associations.
 - (1) [§136] Internal Dispute Resolution.
 - (2) [§137] Alternative Dispute Resolution.

E. Future Interests.

- 1. [§138] In General.
- 2. Reversionary Interests.
 - (a) [§139] Reversion.
 - (b) Power of Termination.
 - (1) [§140] Terminology.
 - (2) [§141] Enforcement of Building Restrictions.
- 3. Remainders.
 - (a) [§142] Nature of Remainder.
 - (b) [§143] Executory Interests.
 - (c) Vested Remainders.
 - (1) [§144] What Constitutes Vested Remainder.
 - (2) [§145] Remainder Indefeasibly Vested.
 - (3) [§146] Remainder Vested Subject to Open.
 - (4) [§147] Remainder Vested Subject to Complete Defeasance.
 - (d) Contingent Remainders.
 - (1) [§148] Nature of Contingent Interest.
 - (2) [§149] Doctrine of Destructibility Abolished.
 - (3) [§150] Acceleration.
 - (4) [§151] Condition Precedent Although Remainderperson Is Ascertained.
 - (5) [§152] Unascertained Remainderperson.
 - (e) [§153] Presumption of Vested Remainder.
 - (f) Rights of Remainderperson.
 - (1) [§154] Against Life Tenant.

REAL PROPERTY

- (2) [§155] Against Third Parties.
- 4. Powers of Appointment.
 - (a) [§156] Nature of Powers.
 - (b) Powers of Appointment Act.
 - (1) [§157] Statutory Development.
 - (2) [§158] Definitions.
 - (3) [§159] Common Law Preserved.
 - (c) Classification.
 - (1) [§160] General and Special Powers.
 - (2) [§161] Testamentary and Presently Exercisable Powers.
 - (3) [§162] Imperative and Discretionary Powers.
 - (d) [§163] Creation of Powers.
 - (e) Exercise of Powers.
 - (1) [§164] Powerholder's Capacity.
 - (2) [§165] Powerholder's Authority.
 - (3) Powerholder's Intent.
 - (aa) [§166] In General.
 - (bb) [§167] Residuary Clause or General Language.
 - (cc) [§168] Will Executed Before Power Is Created.
 - (4) Types of Appointments.
 - (aa) [§169] General and Special Powers.
 - (bb) [§170] Exclusive and Nonexclusive Powers.
 - (5) [§171] Revocability.
 - (f) [§172] Contract To Appoint.
 - (g) Release of Power.
 - (1) [§173] Authority and Limitations.
 - (2) [§174] Procedure.
 - (h) Ineffective, Partial, or No Appointment.
 - (1) [§175] In General.

REAL PROPERTY

- (2) [§176] Failure To Make Effective Appointment.
- (3) [§177] Death of Appointee Before Appointment.
- (i) Rights of Creditors Under General Power.
 - (1) [§178] Creditors of Powerholder.
 - (2) [§179] Creditors of Donor.
- 5. [§180] Transferability of Future Interests.
- 6. [§181] Principal and Income Law.

F. Perpetuities.

- 1. [§182] Common Law.
- 2. [§183] Restatement.
- 3. Development of California Law.
 - (a) [§184] Constitution and Early Statutes.
 - (b) [§185] Reform Proposals.
 - (c) Adoption of Uniform Statutory Rule Against Perpetuities.
 - (1) [§186] In General.
 - (2) [§187] Law Revision Commission Recommendation.
 - (3) [§188] Common Law Superseded.
- 4. Compliance With Statutory Rule Against Perpetuities.
 - (a) [§189] Validity of Nonvested Interests.
 - (b) [§190] Validity of Powers of Appointment.
 - (c) [§191] Relevant and Validating Lives.
 - (d) [§192] Disregarding Possibility of Birth of Child.
- 5. [§193] Construction of “Later of” Language in Perpetuity Saving Clause.
- 6. Time of Creation of Interest.
 - (a) [§194] General Rule.
 - (b) [§195] Postponement.
 - (c) [§196] When Interest Arises From Transfer to Trust or

REAL PROPERTY

Other Arrangement.

7. [§197] Reformation.
8. Exclusions From Statutory Rule Against Perpetuities.
 - (a) [§198] Nondonative Transfers.
 - (b) [§199] Other Exclusions.
 - (c) [§200] Other Limitations on Excluded Transactions.

G. Validity of Conditions Restricting Property Interests.

1. Conditions and Covenants Restraining Alienation.
 - (a) [§201] Rule Against Restraints.
 - (b) [§202] Restatement.
 - (c) [§203] Types of Invalid Restraints.
 - (d) [§204] Partial Restraints.
 - (e) Exceptions.
 - (1) [§205] Life Estate or Estate for Years.
 - (2) [§206] Preemptive Provision or Repurchase Option.
 - (3) [§207] Other Reasonable Restraints.
2. Restraints on Marriage.
 - (a) [§208] Void Condition Against Marriage.
 - (b) [§209] Valid Limitation Until Marriage.
3. Restraints on Use.
 - (a) [§210] Valid Restraints Against Particular Uses.
 - (b) Restraints Against Persons.
 - (1) [§211] Judicial Rule.
 - (2) [§212] California Statute.
 - (3) [§213] Expanded Scope of Rule.
 - (c) [§214] Restriction Against For Sale Sign on Property.

III. TITLES

A. In General.

1. [§215] Origin of California Land Titles.
2. [§216] Methods of Acquisition.
3. [§217] Capacity To Acquire and Transfer Land.
4. [§218] Proof of Title by Nonpossessor.
5. [§219] Possession as Evidence of Title.
6. Governmental Ownership of Tidelands.
 - (a) [§220] Federal Rights.
 - (b) [§221] State Rights.
 - (c) [§222] Grant of Tidelands to Municipality.

B. Adverse Possession.

1. [§223] In General.
2. Property Not Subject to Adverse Possession.
 - (a) [§224] Public Property.
 - (b) [§225] Property Dedicated to Public Use.
3. Elements of Adverse Possession.
 - (a) [§226] Actual, Open, and Notorious Occupation.
 - (b) Hostile or Adverse Claim.
 - (1) [§227] In General.
 - (2) [§228] Mortgagor and Mortgagee.
 - (3) [§229] Vendor and Purchaser, Grantor and Grantee.
 - (4) Cotenants.
 - (aa) [§230] Possession Is Normally Not Adverse.
 - (bb) [§231] Claim Under Invalid Deed.
 - (cc) [§232] Ouster of Other Tenant.

REAL PROPERTY

- (5) [§233] Life Tenant and Remainderperson.
 - (c) Color of Title or Claim of Right.
 - (1) Color of Title.
 - (aa) [§234] What Constitutes Color of Title.
 - (bb) [§235] Sufficiency of Possession.
 - (2) Claim of Right.
 - (aa) [§236] What Constitutes Claim of Right.
 - (bb) [§237] Sufficiency of Possession.
 - (d) Continuous and Uninterrupted Possession for Five Years.
 - (1) [§238] Continuous Possession.
 - (2) [§239] Tacking.
 - (3) [§240] Laches Does Not Bar Claim of Adverse Possession.
 - (e) Payment of Taxes.
 - (1) [§241] In General.
 - (2) [§242] Continuous Payment for Five Years.
- 4. [§243] Constructive Adverse Possession.
 - 5. Action by True Owner for Recovery.
 - (a) [§244] Showing of Seisin or Possession.
 - (b) [§245] Commencement of Limitations Period.
 - (c) [§246] Disabilities.

C. Accretion.

- 1. [§247] In General.
- 2. [§248] Avulsion.
- 3. [§249] State's Right.

D. Dedication.

- 1. In General.
 - (a) [§250] Nature of Dedication.
 - (b) [§251] Distinctions.

REAL PROPERTY

2. Form of Offer and Acceptance.
 - (a) Common Law Dedication.
 - (1) [§252] Offer.
 - (2) [§253] Formal Acceptance or Use.
 - (3) [§254] Formal Acceptance Is Required for Public Liability.
 - (b) Dedication Under Subdivision Map Act.
 - (1) [§255] In General.
 - (2) [§256] Nature of Public Title.
 - (3) [§257] Rejection and Revocation.
 - (4) [§258] Reversion to Acreage.
 - (c) [§259] Dedication Under Other Statutes.
 - (d) Adverse Use by Public.
 - (1) [§260] Judicial Rule of Implied Dedication.
 - (2) [§261] Statutory Limitations.
3. Use Must Conform to Purpose.
 - (a) Private Dedication to Public Entity.
 - (1) [§262] Improper Use.
 - (2) [§263] Proper Use.
 - (b) [§264] Public Entity's Dedication of Its Own Property.

E. Deeds.

1. [§265] Requisites of Deed.
2. Principal Types of Deeds.
 - (a) [§266] Quitclaim Deed.
 - (b) Grant Deed.
 - (1) [§267] Nature of Grant.
 - (2) [§268] Implied Covenants.
 - (c) [§269] Warranty Deed.
 - (d) [§270] Revocable Transfer on Death Deed.

REAL PROPERTY

3. Grantor.
 - (a) [§271] Capacity.
 - (b) [§272] Undue Influence.
 - (c) [§273] Mistake or Fraud.
 - (d) [§274] Consideration.
 - (e) [§275] Name.
 - (f) [§276] Conveyance in Different Name.
 - (g) [§277] Adjudication of Identity.
4. Grantee.
 - (a) [§278] In General.
 - (b) [§279] Unincorporated Association.
5. Execution.
 - (a) [§280] Writing and Subscription.
 - (b) [§281] Blank Deed.
 - (c) [§282] Forged Deed.
6. Description of Property.
 - (a) [§283] Methods of Description.
 - (b) [§284] Presumption of Ownership to Center Line.
 - (c) Land Bounded by Highway.
 - (1) [§285] General Rule.
 - (2) [§286] Distinctions.
 - (d) Land Bordering on Waters.
 - (1) [§287] General Rule.
 - (2) [§288] Land Subject to Public Trust.
 - (e) [§289] Resolving Uncertainties.
7. Oral Agreement Settling Boundary.
 - (a) Agreement and Acquiescence.
 - (1) [§290] General Rule.
 - (2) [§291] Implied Agreement.
 - (3) [§292] Where Property Is Not Solely Owned.

REAL PROPERTY

- (b) Uncertainty and Mistake.
 - (1) [§293] Uncertainty Is Sufficient.
 - (2) [§294] Where No Uncertainty Existed.
- 8. Acknowledgment.
 - (a) [§295] Nature of Requirement.
 - (b) Formal Requisites.
 - (1) [§296] Form of Acknowledgment.
 - (2) [§297] Knowledge of Officer.
 - (3) [§298] Multiple Acknowledgments.
 - (4) [§299] Thumbprint Requirement.
 - (c) Officers Who May Acknowledge.
 - (1) [§300] In General.
 - (2) [§301] Appointment and Authority of Notary.
 - (3) [§302] Liability of Notary and Sureties.
- 9. Delivery.
 - (a) [§303] In General.
 - (b) Intention To Pass Title.
 - (1) [§304] Manual Tradition (Physical Delivery).
 - (2) [§305] Circumstances of Transaction.
 - (3) [§306] Subsequent Acts and Declarations of Grantor.
 - (4) [§307] Presumptions and Inferences.
 - (5) [§308] Appellate Review of Determination.
 - (c) Conditional Delivery.
 - (1) Attempted Conditional Delivery to Grantee.
 - (aa) [§309] No Delivery.
 - (bb) [§310] Unconditional Delivery.
 - (2) Conditional Delivery to Third Person.
 - (aa) [§311] Death of Grantor as Condition.
 - (bb) [§312] Survivorship as Condition.

REAL PROPERTY

10. Escrow.
 - (a) [§313] Nature of Escrow.
 - (b) [§314] Escrow Agents.
 - (c) Escrow Holder as Agent.
 - (1) [§315] Agent for Parties.
 - (2) [§316] Limited Agency.
 - (3) Liabilities.
 - (aa) [§317] In General.
 - (bb) [§318] Liability to Third Party.
 - (d) [§319] Contract Is Necessary for Irrevocable Deposit.
 - (e) Performance and Discharge.
 - (1) [§320] Performance by Grantee.
 - (2) [§321] Performance by Grantor.
 - (3) [§322] Remedies for Default.
 - (4) [§323] Liability for Refusal To Effect Release of Funds.
 - (f) Effect on Title and Incidents.
 - (1) [§324] Grantor's Title During Escrow.
 - (2) [§325] Relation Back of Grantee's Title.
 - (3) [§326] Unauthorized Delivery to Grantee.
11. Acceptance.
 - (a) [§327] Requirement of Acceptance.
 - (b) [§328] Exceptions.
12. Recordation.
 - (a) Instruments That May Be Recorded.
 - (1) [§329] Instruments Affecting Title or Possession.
 - (2) [§330] Documents Requiring Prescribed Information.
 - (3) [§331] Unusual Instruments.
 - (b) [§332] General Requirements.
 - (c) [§333] Fees.

REAL PROPERTY

- (d) [§334] Recording Methods.
 - (e) Copying and Indexing.
 - (1) [§335] Statutory Provisions.
 - (2) [§336] Necessity of Actual Copying.
 - (3) [§337] Necessity of Correct Indexing.
 - (f) [§338] Effect of Proper Recordation.
 - (g) [§339] Recordation Outside Chain of Title.
 - (h) [§340] Recordation of False or Forged Instrument.
 - (i) Effect of Failure To Record.
 - (1) [§341] Rule of Prior Recordation.
 - (2) Bona Fide Purchaser.
 - (aa) [§342] What Constitutes Bona Fide Purchase.
 - (bb) [§343] Bona Fide Encumbrancer.
 - (cc) [§344] Transferee From Bona Fide Purchaser.
 - (dd) [§345] Notice.
 - (ee) [§346] Knowledge of Lease.
 - (3) [§347] Judgment Creditor in Action Affecting Title.
13. Estoppel by Deed.
- (a) [§348] In General.
 - (b) [§349] Effect of Recording Statute.

F. Marketable Record Title.

- 1. [§350] Law Revision Commission Report.
- 2. [§351] Enactment of Marketable Record Title Statute.
- 3. Interests Covered by Statute.
 - (a) [§352] Ancient Mortgages and Deeds of Trust.
 - (b) [§353] Unexercised Options.

REAL PROPERTY

- (c) Powers of Termination.
 - (1) [§354] Definitions.
 - (2) [§355] Expiration.
 - (3) [§356] Exercise.
 - (4) [§357] Operative Date of Provisions.
 - (d) [§358] Unperformed Contracts for Sale of Real Property.
 - (e) Dormant Mineral Rights.
 - (1) [§359] Need for Legislation.
 - (2) [§360] Statutory Provisions.
 - (f) Abandoned Easements.
 - (1) [§361] Need for Legislation.
 - (2) [§362] Statutory Provisions.
4. Preservation of Interest by Notice.
- (a) [§363] Recordation of Notice.
 - (b) [§364] Content and Form of Notice.
 - (c) [§365] Slander of Title by Recording.

G. Title Insurance.

- 1. [§366] Nature and Distinctions.
- 2. [§367] Title Companies.
- 3. [§368] Construction of Title Policy.
- 4. [§369] Coverage of Standard Policy.
- 5. Excluded Risks of Standard Policy.
 - (a) [§370] In General.
 - (b) [§371] Risks Unintentionally Created by Insured.
- 6. [§372] Special Indorsements and Extended Coverage.

REAL PROPERTY

7. Liability for Breach.
 - (a) What Constitutes Title Defect.
 - (1) [§373] Illustrations.
 - (2) [§374] Distinctions.
 - (b) [§375] Measure of Recovery.
 - (c) Tort Liability for Negligence.
 - (1) [§376] In General.
 - (2) [§377] Distinction: Preparation of Preliminary Title Report.
 - (d) Conditions and Defenses.
 - (1) [§378] In General.
 - (2) [§379] Cooperation and Duty To Defend.
 - (3) [§380] Contributory Fault.
 - (4) [§381] Waiver of Conditions.
 - (e) [§382] Subrogation.

H. [§383] Repeal of Torrens (Title Registration) Law.

IV. RIGHTS INCIDENTAL TO POSSESSION

A. Waste.

1. [§384] Prohibition and Remedies.
2. [§385] What Constitutes Waste.
3. [§386] Trespass Distinguished.

B. Adjoining Landowners.

1. [§387] In General.
2. Encroachment of Tree.
 - (a) [§388] In General.
 - (b) [§389] Injunction and Damages.
3. [§390] Encroachment of Building.

REAL PROPERTY

4. [§391] Support for Land.
5. Support for Buildings.
 - (a) [§392] In General.
 - (b) [§393] Deep Excavations.
 - (c) [§394] Excavator's Protective Efforts.
6. [§395] Subjacent Support.

V. RIGHTS IN THE LAND OF ANOTHER

A. Easements and Profits.

1. Nature of Easement.
 - (a) [§396] Definition and Distinctions.
 - (b) [§397] Appurtenant or in Gross.
 - (c) [§398] Typical Easements.
 - (d) [§399] Solar Easement.
 - (e) [§400] Conservation Easement.
 - (f) [§401] Profits.
2. Creation of Easements.
 - (a) Express Grant or Reservation.
 - (1) [§402] In General.
 - (2) [§403] Instruments Construed To Create Easements.
 - (3) [§404] Instruments Construed as Grants of Fee.
 - (4) [§405] Instrument Construed as Invalid Exculpatory Agreement.
 - (b) Implied Grant.
 - (1) [§406] Kinds of Transfers.
 - (2) Conditions Governing Implication.
 - (aa) [§407] Obvious and Permanent Use.
 - (bb) [§408] Reasonable Necessity.
 - (cc) [§409] Representations Accompanying

REAL PROPERTY

Sale.

- (3) [§410] No Implied Easement of Light and Air.
 - (c) [§411] Implied Reservation.
 - (d) Way of Necessity.
 - (1) [§412] Right to Easement.
 - (2) [§413] Limitations on Doctrine.
 - (e) [§414] Condemnation or Judgment for Damages.
 - (f) Prescription.
 - (1) [§415] Elements of Prescriptive Right.
 - (2) [§416] Issues and Proof.
 - (3) [§417] Hostile or Adverse Use.
 - (4) [§418] Permissive Use.
 - (5) [§419] No Duty To Compensate Owner of Property.
 - (g) [§420] Recorded Covenant.
3. Extent of Use.
- (a) Express Grant or Reservation.
 - (1) [§421] In General.
 - (2) [§422] Use Fixing Limits.
 - (3) [§423] Relocation.
 - (4) Improvement of Right-of-Way.
 - (aa) [§424] Repairs and Improvements.
 - (bb) [§425] Modernization of Use.
 - (5) Rights Retained by Servient Owner.
 - (aa) [§426] Right To Use Property.
 - (bb) [§427] Grant of Right to Others.
 - (b) [§428] Implied Grant.
 - (c) Prescription.
 - (1) [§429] General Rule Limiting Extent to Actual Use.
 - (2) [§430] Exception for Permissible Changes.

REAL PROPERTY

- (3) [§431] Propriety of Exclusive Prescriptive Easement.
- 4. Duty To Maintain Property.
 - (a) [§432] In General.
 - (b) [§433] Jointly Owned Easement.
- 5. [§434] Transferability and Succession.
- 6. Termination of Easement.
 - (a) [§435] Release or Merger.
 - (b) Abandonment.
 - (1) [§436] Private Easement.
 - (2) [§437] Public Easement.
 - (c) [§438] Nonuse.
 - (d) [§439] Prescription.
 - (e) [§440] Incompatible Act of Easement's Owner.
 - (f) Destruction of Servient Tenement.
 - (1) [§441] Involuntary Destruction.
 - (2) [§442] Voluntary Destruction.

B. Licenses.

- 1. [§443] Revocable Licenses.
- 2. [§444] Irrevocable Licenses.

C. Covenants Running With the Land.

- 1. In General.
 - (a) [§445] Nature of Covenant.
 - (b) [§446] Personal Covenant.
 - (c) [§447] Running Covenant.
- 2. Essentials of Running Covenant.
 - (a) [§448] Intention That Covenant Run.
 - (b) [§449] Relation to Land.

REAL PROPERTY

- (c) [§450] Succession to Interest of Original Party.
- 3. Covenants in Grants and Between Owners in Fee.
 - (a) [§451] Former Privity Requirement.
 - (b) [§452] Abrogation of Privity Requirement.
 - (c) [§453] Present Law.

D. Equitable Servitudes.

- 1. Nature and Effect.
 - (a) [§454] California Law.
 - (b) [§455] Restatement.
- 2. Legality and Reasonableness of Restrictions.
 - (a) [§456] In General.
 - (b) [§457] Building Restrictions.
 - (c) [§458] No Prohibition of Solar Energy Systems.
 - (d) [§459] Affirmative Burdens.
 - (e) [§460] Approval of Construction Plans.
- 3. [§461] Construction of Restrictions.
- 4. Requisites for Enforcement.
 - (a) [§462] Notice to Grantee.
 - (b) [§463] Express Statement of Common Plan.
 - (c) [§464] Designation of Tract.
- 5. Denial of Equitable Enforcement.
 - (a) [§465] In General.
 - (b) [§466] Plaintiff Without Interest.
 - (c) [§467] Omission, Abrogation, or Disregard of Restrictions.
 - (d) Changed Conditions.
 - (1) [§468] Enforcement Denied.
 - (2) [§469] Insufficient Change.
 - (e) [§470] Change in Law and Policy.

REAL PROPERTY

6. [§471] Extent and Kinds of Relief.

E. Rights of Innocent Improver.

1. [§472] In General.
2. Recovery of Value.
 - (a) [§473] Nature and Scope of Statute.
 - (b) [§474] Considerations Determining Relief.
 - (c) [§475] Equitable Lien and Lis Pendens.
3. [§476] Other Relief.

VI. SALES AND TRANSFERS OF RESIDENTIAL REAL PROPERTY

A. Implied Warranty in Sale.

1. [§477] Sellers of New Construction.
2. [§478] Warranty for New Construction Only.

B. Disclosure Regarding Agency Relationship.

1. [§479] Statutory Development.
2. [§480] Definitions.
3. [§481] Providing Disclosure Form to Buyer and Seller.
4. [§482] Contents of Disclosure Form.
5. [§483] Disclosure of Exclusive or Dual Agency.
6. [§484] Additional Provisions.

C. Disclosures Regarding Condition of Property.

1. [§485] Types of Disclosures.
2. Broker's Duty To Inspect and Disclose.
 - (a) [§486] Creation of Duty.

REAL PROPERTY

- (b) Nature of Duty.
 - (1) [§487] Duty of Broker to Prospective Purchaser.
 - (2) [§488] Duty of Associate Licensee to Prospective Purchaser.
 - (3) [§489] Duty With Regard to Statement in Multiple Listing Service.
 - (4) [§490] Duty To Comply With Statute and Professional Conduct Rules.
 - (5) [§491] Broker's Standard of Care and Purchaser's Duty To Protect Himself or Herself.
 - (6) [§492] Distinction: Negligent Nondisclosure.
 - (7) [§493] Jury Instructions.
 - (c) [§494] Scope of Inspection.
 - (d) [§495] Disclosure of Information in Booklets.
 - (e) [§496] Statute of Limitations.
 - (f) [§497] Insurance Coverage.
 - (g) [§498] Broker's Action Against Home Inspection Company.
3. Transferor's and Broker's Duties To Disclose.
- (a) In General.
 - (1) [§499] Nature of Requirement.
 - (2) [§500] Included Transfers.
 - (3) [§501] Excluded Transfers.
 - (4) [§502] No Waiver of Disclosure Requirements.
 - (b) Standard Disclosure Statement.
 - (1) [§503] Content and Intended Use.
 - (2) [§504] Environmental Hazards.
 - (3) [§505] Delivery of Statement.
 - (c) Disclosure of Natural Hazards.
 - (1) [§506] Types of Hazards.
 - (2) [§507] Natural Hazard Disclosure Statement.
 - (3) [§508] Homeowner's Guide to Earthquake

REAL PROPERTY

Safety.

(d) Additional Statements.

- (1) [§509] Local Option Statement.
- (2) [§510] Manufactured Home Statement.
- (3) [§511] Continuing Lien Securing Facilities Tax or Bonds.
- (4) [§512] Notice of Supplemental Tax Bill.
- (5) [§513] Notice of Transfer Fee.
- (6) [§514] Location of Sex Offenders.
- (7) [§515] Military, Industrial, Agricultural, and Airport Influences.
- (8) [§516] Location of Gas and Hazardous Liquid Transmission Pipelines.

(e) Compliance With Disclosure Requirements.

- (1) [§517] In General.
- (2) [§518] Sanctions for Noncompliance.

D. Home Inspections.

1. [§519] Regulation of Inspectors.
2. [§520] Unfair Business Practices.

E. Appraisals of Real Property.

1. [§521] Governing Law.
2. [§522] Administration.
3. [§523] Conduct of Appraisal Practice.
4. [§524] Sanctions for Violations.

F. [§525] Arbitration Provision in Real Property Sales Contract.

VII. LANDLORD AND TENANT RELATIONSHIP

A. [§526] Statutory Framework.

B. Types of Tenancy.

1. Estate for Years.
 - (a) [§527] Nature of Estate.
 - (b) [§528] Definite Period Is Required.
 - (c) [§529] Lessor's Transfer and Tenant's Attornment.
2. [§530] Tenancy at Will.
3. [§531] Periodic Tenancy.
4. Tenancy at Sufferance.
 - (a) [§532] Landlord's Election.
 - (b) [§533] Express Provision in Lease.

C. Other Relationships Distinguished.

1. [§534] Sale of Property.
2. [§535] License.
3. Proprietor and Guest or Lodger.
 - (a) [§536] In General.
 - (b) [§537] Statutory Rights of Lodger.
4. [§538] Farming Contract.
5. [§539] Tenants as Consumers.

D. Leases.

1. Nature and Requisites of Lease.
 - (a) [§540] Dual Nature.
 - (b) [§541] Legality of Object.
 - (c) [§542] Form.
 - (d) [§543] Execution and Delivery.
 - (e) [§544] Identification of Property Owners or Managers.
 - (f) [§545] Agreement To Lease.
 - (g) [§546] Particular Leases and Provisions.

REAL PROPERTY

2. Term.
 - (a) [§547] Specification in Instrument.
 - (b) [§548] Statutory Restrictions.
3. [§549] Changes in Short-Term Leases.
4. Renewal.
 - (a) [§550] Distinction Between Renewal and Extension.
 - (b) Lessee's Option To Renew.
 - (1) [§551] In General.
 - (2) [§552] Terms Left for Future Agreement.
 - (3) [§553] First Right of Refusal.
 - (4) [§554] Manner of Exercise.
 - (c) [§555] Provision for Automatic Renewal.
5. Lessee's Option To Purchase.
 - (a) [§556] Nature and Types of Options.
 - (b) [§557] Exercise.
 - (c) [§558] Preemptive Rights.
 - (d) [§559] Effect of Extension or Renewal of Lease.
6. Assignment and Sublease by Tenant.
 - (a) [§560] Right To Assign or Sublease.
 - (b) Effect of Assignment.
 - (1) [§561] Liability of Original Lessee.
 - (2) [§562] Liability of Assignee Who Assumes.
 - (3) [§563] Liability of Assignee Who Does Not Assume.
 - (c) Effect of Sublease.
 - (1) [§564] Subordinate to Main Lease.
 - (2) [§565] Liability of Sublessee to Lessor.
 - (3) [§566] Liability of Lessor to Sublessee.
 - (4) [§567] Sublease for Balance of Term.
 - (5) [§568] Lease Provisions Are Not Incorporated.

REAL PROPERTY

- (d) Condition or Covenant Against Assignment or Sublease.
 - (1) [§569] Effect of Condition.
 - (2) [§570] Distinction: Devise by Lessee.
 - (3) [§571] Rule in Dumpor's Case.
 - (4) [§572] Construction Against Forfeiture.
 - (5) [§573] Assignment or Sublease by Corporate Lessee.

- 7. Restriction on Transfer of Commercial Lease.
 - (a) Development of Law.
 - (1) [§574] Majority and Minority Rules.
 - (2) [§575] Adoption of Minority Rule.
 - (3) [§576] Codification.
 - (b) [§577] Commercially Reasonable Objection.
 - (c) Tenant's Right To Transfer.
 - (1) [§578] Authorized Restrictions on Right.
 - (2) [§579] Illustration of Permissible Restraint on Right.
 - (d) Remedies for Breach of Assignment or Sublease Covenant.
 - (1) [§580] Adoption of Statute.
 - (2) [§581] Remedies for Unreasonable Withholding of Consent.
 - (3) [§582] Remedies for Transfer in Violation of Restriction.
 - (4) [§583] Rule in Dumpor's Case Abolished.

- 8. Restriction on Use of Commercial Property.
 - (a) [§584] Nature and Scope of Statute.
 - (b) [§585] Lease Provision.
 - (c) [§586] Change in Use.
 - (d) [§587] Effect of Restriction on Remedies for Breach.

- 9. Additional Covenants in Lease.
 - (a) [§588] Express Covenants.

REAL PROPERTY

- (b) [§589] Implied Covenants.
- 10. [§590] Restrictions on Waivers of Tenants' Rights.

VIII. RENT

A. In General.

- 1. [§591] Nature of Obligation.
- 2. [§592] Form and Determination of Payment.

B. Apportionment of Rent.

- 1. [§593] General Rule Against Apportionment.
- 2. [§594] When Apportionment Is Authorized.

C. Rent Control.

- 1. [§595] Nature and Scope of Regulations.
- 2. Preemption of Rent Control Ordinances.
 - (a) By State Law.
 - (1) [§596] In General.
 - (2) [§597] Single-Family Dwellings, New Construction, and Vacancy Controls.
 - (3) [§598] Commercial Rent Control Prohibited.
 - (b) [§599] By Federal Regulation.
- 3. Validity of Regulations.
 - (a) [§600] Due Process and Related Challenges.
 - (b) [§601] Antitrust Challenges.
 - (c) [§602] Contract Clause Challenges.
 - (d) [§603] Takings Clause Challenges.
 - (e) [§604] Free Speech Challenges.
- 4. Establishing Amount of Rent.
 - (a) [§605] Establishing and Certifying Rent Levels.

REAL PROPERTY

- (b) Fair Return on Investment.
 - (1) [§606] Constitutional Requirement.
 - (2) [§607] Effect of Financing Terms.
 - (3) [§608] Long-Term Appreciation.
 - (4) [§609] Denial of Fair Return as Taking.
 - (5) [§610] Base Date Rents.
 - (6) [§611] Expanded Authority To Provide Fair Return.
 - (c) [§612] Rent Decrease or Denial of Increase.
 - (d) [§613] Rent Increase.
5. Tenant's Remedies for Rent Control Violations.
- (a) [§614] Where Excess Rent Was Charged.
 - (b) [§615] Where Tenant Was Improperly Evicted for Owner Occupancy.
 - (c) [§616] Landlord's Good Faith Defense.
 - (d) [§617] Constitutional Limits on Administrative Sanctions.
 - (e) [§618] Violation as Defense in Unlawful Detainer Action.
6. Landlord's Remedies for Excessive Rent Control.
- (a) [§619] Damages for Denial of Fair Return.
 - (b) [§620] Damages for Overly Burdensome Rent Review Proceedings.
 - (c) [§621] Expenses, Fees, and Costs.
7. Landlord's Right To Discontinue Renting.
- (a) [§622] Compulsion To Rent Is Prohibited (Ellis Act).
 - (b) [§623] Other Acts and Powers of Entity Are Not Affected.
 - (c) [§624] Withdrawn Property Later Offered for Rent.
 - (d) [§625] Demolished Property Later Replaced and Offered for Rent.

REAL PROPERTY

- (e) Notices.
 - (1) [§626] By Public Entity to Owner's Successor in Interest.
 - (2) [§627] By Owner Who Withdraws Property.
 - (3) [§628] By Owner Who Demolishes Property.
- (f) [§629] Procedure for Adoption of Regulation.
- (g) [§630] Noncompliance as Defense in Unlawful Detainer Action.

IX. OTHER RIGHTS AND LIABILITIES OF LANDLORDS AND TENANTS

A. Possession.

- 1. [§631] Estoppel To Deny Landlord's Title.
- 2. [§632] Delivery of Possession.
- 3. [§633] Landlord's Entry into Dwelling.
- 4. [§634] Actual Eviction.
- 5. Constructive Eviction.
 - (a) [§635] General Principles.
 - (b) [§636] Wrongful Notice of Termination.
 - (c) [§637] Other Conduct.
- 6. Landlord's Interference With Occupancy.
 - (a) [§638] Original Statute.
 - (b) [§639] Expanded Statute.
 - (c) [§640] Landlord's Use of Theft, Extortion, or Force.
 - (d) [§641] Inquiries Regarding Immigration Status.
 - (e) [§642] Prohibition Against Posting or Displaying Political Sign.

B. Fitness for Use and Duty To Repair.

- 1. [§643] In General.

REAL PROPERTY

2. [§644] Lessor's Covenant To Repair.
3. Lessor's Statutory Duty To Repair.
 - (a) [§645] Nature of Duty.
 - (b) [§646] Tenant's Remedies.
 - (c) [§647] When Dwelling Is Deemed Untenantable.
 - (d) [§648] When Tenant's Violation Excuses Duty.
 - (e) [§649] Waiver and Arbitration.
4. Implied Warranty of Habitability.
 - (a) Development of Doctrine.
 - (1) [§650] Rejection of Common Law.
 - (2) [§651] Doctrine as Defense to Unlawful Detainer Action.
 - (3) [§652] Restatement 2d.
 - (b) [§653] Action for Damages.
 - (c) [§654] Occupancy With Knowledge Does Not Waive Warranty.
 - (d) [§655] Landlord Is Not Entitled to Time To Correct Defects.
 - (e) [§656] Defects Existing Under Former Owner.
 - (f) [§657] Distinction: Commercial Lease.
5. Covenant by Tenant To Repair.
 - (a) [§658] Nature of Covenant.
 - (b) [§659] Measure of Damages.
 - (c) [§660] Interpretation Against Undue Burden.
6. Changes Ordered by Public Authorities.
 - (a) [§661] Factors for Determining Responsibility.
 - (b) [§662] Lessee's Responsibility.
 - (c) [§663] Lessor's Responsibility.

C. Landlord's Liability for Injuries.

1. [§664] Common Law Rule of Nonliability.

REAL PROPERTY

2. [§665] Liability Under Foreseeability Test.
3. Exceptions to Rule of Nonliability.
 - (a) Repairs by Landlord.
 - (1) [§666] Covenant To Repair.
 - (2) [§667] Voluntary Undertaking To Repair.
 - (b) Knowledge of Defects.
 - (1) [§668] Liability for Failure To Disclose Defect.
 - (2) [§669] Exceptions and Distinctions.
 - (3) [§670] Knowledge of Dangerous Animal.
 - (4) [§671] Knowledge of Dangerous Activity.
 - (5) [§672] Foreseeability of Criminal Acts of Strangers.
 - (6) [§673] Foreseeability of Criminal Acts of Tenants.
 - (7) [§674] Commercial Landlord's Duty To Inspect.
 - (c) [§675] Existing Nuisance.
 - (d) [§676] Violation of Safety Law.
 - (e) [§677] Common Use Areas.
 - (f) [§678] Lease for Semipublic Purpose.
 - (g) [§679] Defective Appliances in Apartment or Hotel.
4. Strict Liability.
 - (a) [§680] Former Rule Imposing Liability.
 - (b) [§681] Present Rule Rejecting Strict Liability.

D. [§682] Insurance.

E. [§683] Condemnation.

F. Taxes.

1. [§684] Lessor's Duty To Pay.
2. [§685] Lessee's Covenant To Pay.
3. [§686] Taxes on Lessee's Improvements.

G. Competing Use.

1. Express Covenant Against Competition.
 - (a) [§687] Nature and Validity.
 - (b) [§688] Illustrations.
2. [§689] Implied Covenant Against Competition.

H. Termination of Tenancy.

1. [§690] In General.
2. [§691] Expiration of Term.
3. Destruction of Premises.
 - (a) [§692] In General.
 - (b) [§693] Lessor's Covenant To Repair.
4. Tenant's Breach.
 - (a) [§694] In General.
 - (b) [§695] Construction of Forfeiture Clause.
 - (c) [§696] Waiver.
 - (d) [§697] Relief From Forfeiture.
 - (e) [§698] Express Clause Against Waiver.
5. Landlord's Breach.
 - (a) [§699] Earlier Doctrine of Independent Covenants.
 - (b) [§700] Modern Theory of Dependent Covenants.
6. [§701] Illegal Use of Premises.
7. [§702] Surrender.
8. [§703] Abandonment.
9. [§704] Foreclosure of Senior Mortgage.
10. Termination by Notice.
 - (a) [§705] In General.
 - (b) [§706] Tenancy at Will.

REAL PROPERTY

(c) Periodic Tenancy.

- (1) [§707] 30-Day Notice.
- (2) [§708] 60-Day Notice for Residential Property.
- (3) [§709] 90-Day Notice for Beneficiaries of Reduced Rent Agreements With Governmental Agencies.
- (4) [§710] Notice by Victim of Domestic Violence, Sexual Assault, Stalking, Human Trafficking, or Elder Abuse.

11. [§711] Special Lease Provisions.

12. Improper Grounds for Termination.

- (a) [§712] Racial Discrimination.
- (b) [§713] Discrimination Against Children.
- (c) [§714] Domestic Violence, Sexual Assault, Stalking, Human Trafficking, or Elder Abuse Against Tenant.

I. Right To Remove Fixtures.

1. [§715] In Absence of Covenant.
2. [§716] Covenant Governing Removal.
3. [§717] Tenant's Refusal To Remove.

J. Conversion of Rental Housing to Condominiums.

1. [§718] State Requirements.
2. Local Requirements.
 - (a) [§719] In General.
 - (b) [§720] Regulations Enacted After Applicant Has Complied With State Law.

X. LANDLORD AND TENANT REMEDIES

A. Landlord's Remedies.

1. Former Law.
 - (a) [§721] Action for Rent or Damages.
 - (b) [§722] Special Lease Provisions.
2. Legislative Changes in 1970.
 - (a) [§723] Purpose of Revision.
 - (b) [§724] Nature and Scope of Statutes.
3. Action for Damages.
 - (a) [§725] Right of Action.
 - (b) [§726] Proof of Abandonment.
 - (c) Types of Damages.
 - (1) [§727] Unpaid Rent.
 - (2) [§728] Future Rent.
 - (3) [§729] Other Losses Caused by Breach.
 - (d) [§730] Mitigating Damages.
 - (e) [§731] Computation of Damages.
 - (f) [§732] Liquidated Damages.
4. [§733] Ejectment.
5. Unlawful Detainer.
 - (a) In General.
 - (1) [§734] Nature of Remedy.
 - (2) [§735] No Action If Tenant Surrenders.
 - (3) [§736] Regulation of Unlawful Detainer Assistants.
 - (4) [§737] Judicial Council Forms.
 - (5) [§738] Jury Instructions.

REAL PROPERTY

- (b) Tenant's Defense of Retaliatory Eviction.
 - (1) Judicially Declared Doctrine.
 - (aa) [§739] Nature of Defense.
 - (bb) [§740] Tenant's Cause of Action.
 - (cc) [§741] Exercise of Federal Right.
 - (dd) [§742] Report of Landlord's Crime.
 - (ee) [§743] Commercial Lease.
 - (ff) [§744] Distinction: Third Party's Coercion.
 - (2) Statutory Rule.
 - (aa) [§745] Retaliatory Acts Prohibited.
 - (bb) [§746] Restrictions on Lessee's Defense.
 - (cc) [§747] Burden of Proof.
 - (dd) [§748] Tenant's Remedies.
 - (ee) [§749] Retaliatory Eviction as Unfair Business Practice.
 - (ff) [§750] Permissible Acts by Lessor.
 - (3) [§751] Distinction: Termination of Gasoline Dealer's Lease.
- (c) [§752] Other Defenses of Tenant.
- (d) Three-Day Notice.
 - (1) [§753] Necessity and Effect of Notice.
 - (2) [§754] Where No Notice Is Necessary.
 - (3) [§755] Commercial Tenant's Tender of Rent in Response.
 - (4) Form of Notice.
 - (aa) [§756] Notice To Perform or Quit.
 - (bb) [§757] Statement of Amount Due.
 - (cc) [§758] Statement of Payment Options.
 - (dd) [§759] Notice To Quit.
 - (5) [§760] Methods of Service.
- (e) [§761] Jurisdiction, Venue, and Process.
- (f) [§762] Parties.

REAL PROPERTY

- (g) [§763] Pleadings.
 - (h) [§764] Restricted Access to Files.
 - (i) Proceedings Before Trial.
 - (1) [§765] Immediate Possession.
 - (2) Effect of Abandonment of Premises.
 - (aa) [§766] Governing Law.
 - (bb) [§767] Illustrations.
 - (3) [§768] Judgment by Default and Summary Judgment.
 - (j) [§769] Trial.
 - (k) Judgment.
 - (1) [§770] Restoration of Possession.
 - (2) [§771] Rent and Damages.
 - (3) [§772] Costs and Attorneys' Fees.
 - (4) [§773] Res Judicata and Collateral Estoppel.
 - (l) Enforcement of Judgment.
 - (1) [§774] In General.
 - (2) [§775] Storage of Tenant's Property.
6. [§776] Action To Quiet Title.
7. Continuation of Lease.
 - (a) [§777] Lessor's Conditional Remedy.
 - (b) [§778] Benefits of Continuation Remedy.
 - (c) [§779] Termination of Lessee's Right of Possession.
8. [§780] Use of Lessee's Deposit.
9. [§781] Landlord's Lien.
10. Disposition of Abandoned Personal Property.
 - (a) [§782] Nature of Statute.
 - (b) [§783] Notice To Claim Property.
 - (c) [§784] Storage of Property.
 - (d) [§785] Sale or Other Disposition.

REAL PROPERTY

- (e) [§786] Limitation of Landlord's Liability.
 - (f) [§787] Alternative Procedure on Tenant's Request.
11. Disposition of Personal Property Remaining on Commercial Real Property.
- (a) [§788] Scope of Statute.
 - (b) [§789] Notice.
 - (c) [§790] Storage of Property.
 - (d) [§791] Sale or Other Disposition of Property.
 - (e) [§792] Limitation of Landlord's Liability.

B. Tenant's Remedies.

- 1. [§793] In General.
- 2. [§794] Abandonment of Premises.
- 3. Forcible Entry and Forcible Detainer.
 - (a) [§795] In General.
 - (b) [§796] Damages for Wrongful Eviction.
 - (c) [§797] Where Landlord Has Lien.
 - (d) [§798] Entry Under Invalid Writ of Execution.

XI. MOBILEHOMES

A. In General.

- 1. [§799] Governing Law.
- 2. [§800] Definitions.
- 3. [§801] Mobilehome Ombudsman.

B. Rental Agreement.

- 1. [§802] Required and Optional Provisions.
- 2. [§803] Invalid Provisions.
- 3. [§804] Term.

C. Rent Control.

1. Exemption From Local Rent Control.
 - (a) [§805] Long-Term Agreements.
 - (b) [§806] New Construction.
 - (c) [§807] Space That Is Not Principal Residence.
2. [§808] Challenges to Rent Control.

D. Fees and Charges.

1. [§809] Improper Fees and Charges.
2. [§810] Method of Charging Proper Fees.
3. [§811] Security Deposits.

E. Management of Mobilehome Park.

1. [§812] Maintenance of Premises.
2. [§813] Rules and Regulations.
3. [§814] Notices and Disclosures.

F. [§815] Homeowner Meetings.

G. Transfer of Mobilehomes.

1. [§816] Listing for Sale.
2. [§817] Repair or Removal of Home.
3. [§818] Management's Prior Approval of Purchaser.
4. [§819] Purchaser's Acceptance of Rental Agreement.
5. [§820] Sale Following Death of Mobilehome Owner.
6. [§821] Renting or Subletting in Medical Emergency.

H. Termination of Tenancy.

1. [§822] In General.

REAL PROPERTY

2. [§823] Notice of Termination.
3. [§824] Grounds for Termination.
4. [§825] Abandoned Mobilehome.
5. [§826] Rights of Legal Owners and Junior Lienholders.

I. [§827] Actions and Penalties.

J. [§828] Conversion of Mobilehome Park.

XII. OIL AND GAS LEASES

A. In General.

1. [§829] Nature of Right to Oil and Gas.
2. [§830] Ordinary Lease Distinguished.
3. [§831] Abandonment of Interest.
4. [§832] Special Problems.

B. Form and Content of Lease.

1. [§833] In General.
2. [§834] Granting and Habendum Clauses.
3. [§835] Other Provisions.
4. [§836] Right To Use Surface.

C. Lessee's Principal Obligations.

1. [§837] Development.
2. [§838] Royalty and Other Compensation.
3. [§839] Implied Covenants.

D. Termination of Lease.

1. [§840] Abandonment.

REAL PROPERTY

2. [§841] Surrender.
3. [§842] Expiration.
4. [§843] Forfeiture.

E. Transfer of Interest in Lease.

1. [§844] Lessee's Interest.
2. [§845] Lessor's Interest.

XIII. ENVIRONMENTAL REGULATION OF REAL PROPERTY

A. Land Use Planning and Regulation.

1. In General.
 - (a) [§846] Governing Statutes.
 - (b) [§847] Commentary.
2. Subdivisions.
 - (a) [§848] Nature and Scope of Subdivision Map Act.
 - (b) [§849] Exclusions.
 - (c) Map Procedure.
 - (1) Tentative Maps.
 - (aa) [§850] Review and Evaluation.
 - (bb) [§851] Approval and Appeal.
 - (cc) [§852] Expiration of Map.
 - (2) [§853] Final Maps.
 - (3) [§854] Alternative Maps.
 - (4) [§855] Recording.
 - (5) [§856] Statute of Limitations for Judicial Review.
 - (d) [§857] Public Access to Water Resources.
 - (e) Local Restrictions.
 - (1) [§858] In General.

REAL PROPERTY

- (2) Imposition of Development Fees.
 - (aa) [§859] Limitations on Local Authority.
 - (bb) [§860] Protesting Imposition of Fees.
- (3) [§861] Dedication of Open Space.
- (f) Regulation of Sales and Leases.
 - (1) [§862] By Real Estate Commissioner.
 - (2) [§863] By Federal Statute.
- (g) [§864] Enforcement of Subdivision Requirements.
- 3. Housing and Urban Development.
 - (a) [§865] In General.
 - (b) [§866] Public and Low-Rent Housing.
 - (c) [§867] “Granny Flat” Statute.
 - (d) [§868] Uniform Building Codes.
 - (e) [§869] Community Redevelopment Law.
- 4. [§870] National Environmental Policy Act.
- 5. California Environmental Quality Act.
 - (a) [§871] In General.
 - (b) Environmental Impact Reporting Requirement.
 - (1) Statutory Basis.
 - (aa) [§872] Applicability.
 - (bb) [§873] Meaning of “Carry Out and Approve.”
 - (cc) [§874] Adverse Changes to Environment Only.
 - (dd) [§875] Rule Against Segmentation.
 - (2) Illustrations.
 - (aa) [§876] Environmental Impact Report Required.
 - (bb) [§877] Environmental Impact Report Not Required.

REAL PROPERTY

- (3) Statutory Exemptions.
 - (aa) [§878] In General.
 - (bb) [§879] Ministerial Projects.
 - (cc) [§880] Emergency Projects.
 - (dd) [§881] Rates, Tolls, Fares, and Other Charges.
- (4) Categorical Exemptions.
 - (aa) [§882] In General.
 - (bb) [§883] Single-Family Residences.
 - (cc) [§884] Existing Facilities.
 - (dd) [§885] Statutory Prohibition of Categorical Exemption.
 - (ee) [§886] Unusual Circumstances Exception to Categorical Exemption.
- (5) [§887] Commonsense Exemption.
- (6) [§888] Ballot Measure Exemptions.
- (c) Content of Environmental Impact Reports.
 - (1) [§889] Detailed Statement.
 - (2) Significant Environmental Effects.
 - (aa) [§890] In General.
 - (bb) [§891] Adequate Descriptions.
 - (cc) [§892] Inadequate Descriptions.
 - (3) Mitigation Measures.
 - (aa) [§893] Adequate Discussion.
 - (bb) [§894] Inadequate Discussion.
 - (4) [§895] Cumulative Impact.
 - (5) Alternatives to Project.
 - (aa) [§896] In General.
 - (bb) [§897] Adequate Discussion.
 - (cc) [§898] Inadequate Discussion.
- (d) Alternative and Supplemental Reports.
 - (1) [§899] Negative Declarations.

REAL PROPERTY

- (2) Mitigated Negative Declarations.
 - (aa) [§900] In General.
 - (bb) [§901] Properly Issued.
 - (cc) [§902] Improperly Issued.
- (3) [§903] Master Environmental Impact Reports.
- (4) [§904] Tiered Reports.
- (5) Subsequent Reports.
 - (aa) [§905] In General.
 - (bb) [§906] Illustrations.
- (6) Regulatory Procedure in Lieu of Report.
 - (aa) [§907] In General.
 - (bb) [§908] Delisting Endangered Species.
 - (cc) [§909] Timber-Harvesting Plans.
- (e) Administrative Proceedings.
 - (1) Lead Agency.
 - (aa) [§910] In General.
 - (bb) [§911] Illustrations.
 - (cc) [§912] Consultation and Circulation.
 - (2) [§913] Preparation of Report by Consultant.
 - (3) [§914] Time Limits on Preparation of Reports.
 - (4) Project Approval After Environmental Impact Report.
 - (aa) [§915] In General.
 - (bb) [§916] Statement of Overriding Considerations.
- (f) Judicial Review.
 - (1) Exhaustion of Administrative Remedies.
 - (aa) [§917] In General.
 - (bb) [§918] Certification as Trigger.
 - (cc) [§919] Exception: Lack of Notice or Hearing.
 - (dd) [§920] Illustrations.

REAL PROPERTY

- (2) Statutes of Limitations.
 - (aa) [§921] Where Agency Has Not Determined Whether Project Could Have Significant Environmental Effect.
 - (bb) [§922] Where Agency Has Determined Whether Project Could Have Significant Environmental Effect.
 - (cc) [§923] Where Agency Has Prepared Environmental Impact Report.
 - (dd) [§924] Where Agency Has Determined That Project Is Not Subject to CEQA.
 - (ee) [§925] Other Act or Omission by Agency.
 - (ff) [§926] Effect of Request for Mediation.
 - (3) Preparation of Record.
 - (aa) [§927] In General.
 - (bb) [§928] Contents.
 - (cc) [§929] Recovery of Costs.
 - (dd) [§930] Appellate Review.
 - (4) [§931] Expedited Proceedings.
 - (5) Standards of Review.
 - (aa) [§932] Administrative and Ordinary Mandamus.
 - (bb) [§933] Illustrations of Substantial Evidence Standard.
 - (6) [§934] Types of Relief.
6. Coastal Lands.
- (a) [§935] Development of California Coastal Act.
 - (b) [§936] Implementation of Act by Coastal Commission and Local Governments.
 - (c) Development Permits.
 - (1) [§937] In General.
 - (2) [§938] Applicability to Federal Lands.
 - (3) [§939] Development Requirements.
 - (4) [§940] Commission's Appellate Review.

REAL PROPERTY

- (d) [§941] Enforcement of Coastal Act.
 - (e) [§942] Judicial Review of Actions Under Coastal Act.
 - (f) [§943] California Coastal Conservancy.
7. Permit Streamlining Act.
- (a) [§944] Time Limits for Agency Action.
 - (b) [§945] Deemed Approval.
 - (c) [§946] Waiver of Time Limits.
8. [§947] Regional Plans.

B. Resource Conservation and Management.

1. [§948] In General.
2. [§949] Recycling.
3. Water Resources.
- (a) [§950] In General.
 - (b) [§951] Recycling and Irrigation.
 - (c) [§952] Groundwater.
 - (d) [§953] Ocean Resources.
4. Land Resources.
- (a) [§954] Agricultural Land.
 - (b) [§955] Open Space.
 - (c) [§956] Parks and Recreation Areas.
 - (d) [§957] Wilderness Areas.
 - (e) [§958] Forests.
5. Animals and Wildlife.
- (a) [§959] Endangered Species Acts.
 - (b) [§960] Wildlife Conservation.
 - (c) [§961] Fish and Marine Mammals.
6. Minerals and Energy.
- (a) [§962] Mining, Oil, and Gas.

REAL PROPERTY

(b) [§963] Energy Resources.

C. Pollution Control.

1. [§964] In General.
2. Water Quality.
 - (a) [§965] In General.
 - (b) [§966] Porter-Cologne Water Quality Control Act.
 - (c) [§967] Proposition 65.
 - (d) [§968] Other California Statutes.
 - (e) [§969] Federal Clean Water Act.
3. Air Quality.
 - (a) [§970] Federal Clean Air Act.
 - (b) California Statutes.
 - (1) [§971] In General.
 - (2) Nonvehicular Sources of Air Pollution.
 - (aa) [§972] In General.
 - (bb) [§973] Specified Pollutants.
 - (3) [§974] Vehicular Sources of Air Pollution.
 - (4) [§975] Tobacco Smoke.
4. Hazardous Waste.
 - (a) [§976] Federal Statutes.
 - (b) Hazardous Waste Control Act.
 - (1) [§977] Statutory Framework.
 - (2) [§978] Enforcement.
 - (c) [§979] Hazardous Substances Account Act.
 - (d) [§980] Other California Statutes.
5. Solid Waste.
 - (a) [§981] Integrated Waste Management.
 - (b) [§982] Exclusive Franchises for Solid Waste Services.
6. [§983] Nuclear Power and Radiation.

REAL PROPERTY

7. Pesticides and Other Toxic Chemicals.
 - (a) [§984] In General.
 - (b) [§985] Proposition 65.
8. [§986] Noise.
9. Enforcement.
 - (a) [§987] Governmental Actions.
 - (b) [§988] Private Actions.

XIV. WATERS

A. Systems and Classifications of Water Rights.

1. [§989] Riparian and Appropriation Systems.
2. [§990] Classification of Waters.

B. Nature of Rights to Water.

1. [§991] No Ownership of Water in Watercourse.
2. Public Rights.
 - (a) [§992] In General.
 - (b) [§993] Navigable Waters.
 - (c) [§994] Public Trust Doctrine.
3. [§995] State Rights in Interstate Waters.
4. Federal Rights.
 - (a) [§996] Navigable Waters.
 - (b) [§997] Nonnavigable Waters.
 - (c) [§998] Federal Irrigation Projects.

C. Administration of Water Rights.

1. [§999] In General.
2. [§1000] Proceedings To Determine Water Rights.

REAL PROPERTY

3. [§1001] Enforcement of Water Rights.
4. Transfer of Water Rights.
 - (a) [§1002] In General.
 - (b) [§1003] Temporary Change in Diversion or Use.
 - (c) [§1004] Long-Term Transfers.

D. Rights in Surface Waters.

1. Riparian Rights.
 - (a) [§1005] In General.
 - (b) Riparian Land.
 - (1) [§1006] Characteristics.
 - (2) [§1007] Federal Desert Land Act.
 - (3) [§1008] Federal Riparian Rights on Reserved Lands.
 - (c) [§1009] Riparian Uses and Rights Against Other Owners.
 - (d) Extent of Riparian Right.
 - (1) [§1010] Former Law.
 - (2) [§1011] Constitutional Amendment of 1928.
 - (3) Reasonable Use.
 - (aa) [§1012] Wasteful Use Eliminated.
 - (bb) [§1013] Preference for Domestic Use.
 - (cc) [§1014] Other Uses.
 - (4) [§1015] Future Reasonable Use.
2. Appropriation Rights.
 - (a) Method of Appropriation.
 - (1) [§1016] Obtaining Permit and License.
 - (2) [§1017] Conditions for Permit or License.
 - (3) [§1018] Registration of Small Use Appropriations.
 - (4) [§1019] Review of Board's Determination.
 - (b) [§1020] Rights Against Other Users.

REAL PROPERTY

- (c) [§1021] Water Subject to Appropriation.
- (d) [§1022] Extent of Appropriation Right.
- 3. Prescriptive Rights.
 - (a) [§1023] Nature of Prescriptive Right.
 - (b) Extent of Prescriptive Right.
 - (1) [§1024] Definite Amount Beneficially Used.
 - (2) [§1025] Improper Change of Use.
 - (c) [§1026] Prescription Running Downstream.
 - (d) [§1027] Prescription Running Upstream.
- 4. [§1028] Termination of Rights.
- 5. [§1029] Ownership of Treated Wastewater.

E. Underground Waters.

- 1. [§1030] In General.
- 2. [§1031] State's Ownership of Groundwater.
- 3. [§1032] Overlying, Appropriative, and Prescriptive Rights.
- 4. Correlative Rights Doctrine.
 - (a) [§1033] Development of Doctrine.
 - (b) [§1034] Illustrations.
 - (c) [§1035] Riparian System Distinguished.

F. Injuries to Property Caused by Waters.

- 1. Surface Waters.
 - (a) Obstruction by Private Owner.
 - (1) [§1036] Former Law.
 - (2) [§1037] Tort Liability.
 - (b) [§1038] Obstruction by Governmental Agency.
 - (c) [§1039] Discharge of Surface Waters into Natural Watercourse.

REAL PROPERTY

2. Floodwaters.
 - (a) [§1040] Right of Owner To Divert.
 - (b) [§1041] Recovery Based on Negligence.
 3. Diversion or Obstruction of Watercourse.
 - (a) [§1042] In General.
 - (b) [§1043] Constitutional Liability for Construction.
 - (c) [§1044] Tort Liability for Negligent Maintenance.
 - (d) [§1045] Change in Permanent Artificial Condition.
 4. [§1046] Seawall or Breakwater.
-