

3 California Procedure (5th), Actions

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 - (2) [§403] Current Law.
 - (d) Expungement Conditioned on Undertaking.
 - (1) [§404] In General.
 - (2) [§405] Amount and Nature of Undertaking.
 - (3) [§406] Deed of Trust as Alternative to Undertaking.
 - (4) [§407] Procedure.
- 4. Maintaining Lis Pendens on Condition of Undertaking.
 - (a) [§408] Nature and Purpose of Remedy.
 - (b) [§409] Procedure.
- 5. [§410] Attorneys' Fees and Costs.
- 6. [§411] Review by Mandamus.
- 7. [§412] Withdrawal of Notice.
- 8. Effect of Expungement or Withdrawal.
 - (a) [§413] When Expungement Becomes Effective.
 - (b) [§414] Recording Expungement Order or Notice of Withdrawal.
 - (c) [§415] Second Notice Requires Court Approval.

XI. IN FORMA PAUPERIS

A. Nature of Right.

- 1. [§416] In General.
- 2. [§417] Constitutional Right in Marital Case.

B. Scope of Right.

- 1. Costs Excused.
 - (a) [§418] Trial Court Costs.
 - (b) [§419] Costs of Appeal.
- 2. Relief From Bond or Undertaking.
 - (a) [§420] Security for Costs.
 - (b) [§421] Injunction Bond.
- 3. [§422] No Right to Interpreter.
- 4. [§423] No Right to Reporter's Transcript.

C. Procedure.

- 1. [§424] Former Judicially Established Practice.
- 2. [§425] Legislative Directive to Judicial Council.

3. [§426] Application and Forms.
4. [§427] Determination of Application.
- D. What Constitutes Indigence.
 1. [§428] In General.
 2. [§429] Contingent Fee Is Not Bar.
- E. (New) Revised In Forma Pauperis Statutes and Rules of Court.
 1. [§429A] (New) In General.
 2. (New) Scope of Right.
 - (a) [§429B] (New) In General.
 - (b) [§429C] (New) Costs Excused.
 3. [429D] (New) Eligibility Criteria.
 4. (New) Procedure.
 - (a) [§429E] (New) Judicial Council Rules and Forms.
 - (b) (New) Applications
 - (1) [§429F] (New) General Requirements.
 - (2) [§429G] (New) Requirements for Specific Proceedings.
 - (c) [§429H] (New) Determination of Trial Court Applications.
 - (d) [§429-I] (New) Determination of Appellate Court Applications.
 - (e) [§429J] (New) Fee Waiver Requests by Prisoners.
 - (f) [§429K] (New) Changed Circumstances.
 5. (New) Recovery of Fee Waivers.
 - (a) [§429L] (New) In General.
 - (b) [§429M] (New) Family Law Cases.
 - (c) [§429N] (New) Enforcement.

XII. STATUTE OF LIMITATIONS: IN GENERAL

- A. Nature of Statute.
 1. [§430] Types of Limitation Statutes.
 2. [§431] Statutory Classification.
 3. [§432] Statute Affects Remedy Only.
 4. Meritorious or Favored Defense.
 - (a) [§433] General Rule.
 - (b) [§434] Illustrations.
 - (c) Effect of Change in Case Law.
 - (1) [§435] General Rule: No Tolling of Statute.
 - (2) [§436] Illustration: Product Liability Action.
 - (3) [§437] Illustration: Action Alleging Violation of Proposition 62.
 5. [§438] Technical or Disfavored Defense.
 6. [§439] A "Shield" and Not a "Sword."
 7. [§440] Personal Privilege: Waiver by Defendant.
- B. Distinctions.
 1. Statute Affecting Substantive Right.
 - (a) [§441] Significance of Distinction.
 - (b) [§442] Limitation Affecting Property Right.
 - (c) [§443] Limitation in Statute Creating Right.
 - (d) [§444] Tolling Substantive Time Limit.

2. **[\$445] Other Statutory Time Limits.**
 3. **[\$446] Laches in Equitable Actions.**
- C. Scope of Limitation Statutes.**
1. **[\$447] Actions and Special Proceedings.**
 2. **Cross-Complaint and Defensive Relief.**
 - (a) **[\$448] Statute Runs if Affirmative Relief Is Sought.**
 - (b) **When Statute Does Not Run.**
 - (1) **[\$449] Cross-Demands Deemed Compensated.**
 - (2) **[\$450] Answer Pleading Defensive Matter.**
 - (3) **[\$451] Cross-Complaint by Uninsured Motorist.**
 - (4) **[\$452] Cross-Complaint Against Suspended Corporation.**
 - (5) **[\$453] Amended Cross-Complaint.**
 - (6) **[\$454] Failure To File Cross-Complaint.**
 3. **Sovereign Plaintiff.**
 - (a) **[\$455] United States.**
 - (b) **[\$456] State or Political Subdivision.**
 - (c) **[\$457] Foreign Country.**
- D. Changes in Period.**
1. **Legislative Changes.**
 - (a) **Before Statute Has Run.**
 - (1) **[\$458] Period Extended.**
 - (2) **[\$459] Period Shortened.**
 - (b) **Period Extended After Statute Has Run.**
 - (1) **[\$460] In General.**
 - (2) **[\$461] Construction To Avoid Retroactivity.**
 - (3) **Valid Retroactive Change.**
 - (aa) **[\$462] In General.**
 - (bb) **[\$463] Sexual Abuse of Minor: 1986 Extension of Period.**
 - (cc) **[\$464] Sexual Abuse of Minor: 1990 Extension of Period.**
 - (dd) **[\$465] Sexual Abuse of Minor: 2002 Extension of Period.**
 - (ee) **[\$466] Action on Northridge Earthquake Insurance Claim.**
 - (4) **[\$467] Invalid Retroactive Change.**
 2. **Contractual Modifications.**
 - (a) **[\$468] Extending Period by Waiver.**
 - (b) **Shortening Period by Agreement.**
 - (1) **[\$469] General Rule: Shorter Period Is Valid If Reasonable.**
 - (2) **[\$470] Distinctions.**
 - (3) **[\$471] Insured's Action Against Successive Insurers for Progressive Property Loss.**
 - (4) **[\$472] Successor Insurer's Action for Contribution or Indemnity.**
 - (5) **[\$473] Agreements Under Uniform Commercial Code.**

E. Classification According to Periods of Limitation.

1. [§474] In General.
2. [§475] Thirty Days.
3. [§476] Sixty Days or Two Months.
4. [§477] Ninety Days or Three Months.
5. [§478] One Hundred Days.
6. [§479] One Hundred Twenty Days or Four Months.
7. [§480] One Hundred Eighty Days or Six Months.
8. [§481] One Year.
9. [§482] Two Years.
10. [§483] Three Years.
11. [§484] Four Years.
12. [§485] Five Years.
13. [§486] Six Years.
14. [§487] Eight Years.
15. [§488] Ten Years.
16. No Limitation.
 - (a) [§489] Express Statutory Provisions.
 - (b) [§490] Quiet Title by Owner in Possession.
 - (c) [§491] Cancellation of Void Instrument.
 - (d) [§492] Other Proceedings.

F. Periods and Accrual.

1. **General Rule: Accrual When Wrongful Act Is Done.**
 - (a) [§493] What Constitutes Accrual.
 - (b) [§494] Ignorance of Cause of Action.
 - (c) [§495] Cause Accruing Before Substantial Damage.
2. **Exceptions: Postponed Accrual.**
 - (a) [§496] In General.
 - (b) **Accrual on Discovery of Facts.**
 - (1) [§497] In General.
 - (2) **Discovery of Defendant's Negligence.**
 - (aa) [§498] Awareness of Injury and Its Cause.
 - (bb) [§499] Prior Rule: Actual Knowledge of Wrongdoing.
 - (cc) [§500] Current Rule: Suspicion of Wrongdoing.
 - (c) **Accrual When Damage Results.**
 - (1) [§501] General Rule: Insurance Cases.
 - (2) [§502] General Rule: Professional Negligence Cases.
 - (3) [§503] Distinction: Remedy Uncertain or Ineffective.
 - (d) [§504] Postponement by Condition Precedent.
 - (e) [§505] Postponement as to Particular Plaintiff.
3. [§506] Alternative Remedy With Longer Period.
4. [§507] Computing Time.

XIII. STATUTE OF LIMITATIONS: CONTRACT ACTIONS

A. Limitation Statutes.

1. **Written Instruments: Four Years.**
 - (a) [§508] Action on Written Contract.

- (1) [§538] Doctrine of Prospective Warranty.
 - (2) [§539] Uniform Commercial Code.
- 4. Accounts: Date of Last Item.
 - (a) [§540] Mutual, Open, and Current Account.
 - (b) [§541] Book Account.
 - (c) [§542] Account Stated.
- 5. Action Against Surety.
 - (a) [§543] Liability Accrues When Principal Obligation Matures.
 - (b) Liability Ceases When Principal Obligation Is Barred.
 - (1) [§544] Former Rule Refusing To Discharge Sureties.
 - (2) [§545] Legislative Repudiation of Rule.
- 6. Quasi-Contractual Recovery.
 - (a) [§546] Restitution Where Contract Is Void.
 - (b) Recovery for Services Performed.
 - (1) [§547] In General.
 - (2) [§548] Services Rendered to Decedent.

XIV. STATUTE OF LIMITATIONS: TORT ACTIONS

A. False Imprisonment and Defamation: One Year.

- 1. [§549] False Imprisonment.
- 2. Defamation.
 - (a) [§550] In General.
 - (b) [§551] Single Publication Rule.

B. Injuries to Persons and Wrongful Death: Two Years.

- 1. [§552] In General.
- 2. [§553] Scope of Statute.
- 3. [§554] Assault and Battery.
- 4. [§555] Malicious Prosecution and Abuse of Process.
- 5. [§556] Invasion of Privacy.
- 6. [§557] Conspiracy: Postponed Accrual.
- 7. [§558] Civil Rights Violations.
- 8. [§559] Personal Injuries.
- 9. [§560] Wrongful Death.
- 10. [§561] Action Based on Imputed Liability.
- 11. Action by Employee or Employer.
 - (a) [§562] Personal Injury Action Against Third-Party Tortfeasor.
 - (b) [§563] Action for Termination of Employment in Violation of Public Policy.
 - (c) [§564] Employment Discrimination Action Under Fair Employment and Housing Act.
- 12. [§565] Action on Theory of Breach of Contract.
- 13. [§566] Uninsured Motorist Proceeding.
- 14. Postponed Accrual.
 - (a) [§567] Progressive Disease.
 - (b) Asbestosis.
 - (1) [§568] Statutory Rule of Postponed Accrual.
 - (2) [§569] Definition of Disability.

- (3) [§570] Cause of Disability.
 - (4) [§571] Knowledge of Disability.
 - (5) [§572] Distinction: Loss of Consortium.
 - (c) [§573] Exposure to Hazardous Material or Toxic Substance.
 - (d) [§574] Infliction of Emotional Distress.
 - (e) Products Liability.
 - (1) [§575] In General.
 - (2) [§576] Suspicion of Wrongdoing.
 - (f) Medical Malpractice.
 - (1) [§577] Former Judicially Developed Exception.
 - (2) [§578] Statutory Rule: In General.
 - (3) One Year After Discovery.
 - (aa) [§579] In General.
 - (bb) [§580] Illustrations.
 - (4) [§581] Three Years After Injury.
 - (5) Tolling of Three-Year Period.
 - (aa) [§582] In General.
 - (bb) [§583] Fraud and Intentional Concealment.
 - (cc) [§584] Presence of Foreign Body.
 - (6) [§585] Tolling of One-Year Period.
 - (7) Action by Minor.
 - (aa) [§586] Limitations periods.
 - (bb) [§587] Delayed Accrual and Tolling of Period.
 - (cc) [§588] Effect of Reaching Majority.
 - (8) [§589] Prenatal Injuries.
 - (9) [§590] Wrongful Death.
 - (g) Distinct Injuries From Same Cause.
 - (1) [§591] Postponed Accrual Allowed.
 - (2) [§592] Postponed Accrual Denied.
- C. Sexual Abuse of Minor: Three or Eight Years.**
- 1. [§593] Statutory Rule.
 - 2. [§594] Scope of Statute.
 - 3. [§595] Delayed Accrual and Tolling During Minority.
- D. Trespass or Injury to Real Property: Three Years.**
- 1. [§596] Scope of Statute.
 - 2. Act Causing Immediate and Permanent Injury.
 - (a) [§597] General Rule: Accrual on Date of Wrongful Act.
 - (b) [§598] Buildings Damaged by Hazardous Substances.
 - (c) [§599] Subsequent Owners.
 - (d) [§600] Injury Not Abatable at Reasonable Cost.
 - 3. Continuing Trespass or Nuisance.
 - (a) [§601] In General.
 - (b) [§602] Airplane Overflight.
 - (c) [§603] Environmental Contamination.
 - 4. [§604] Act Causing Consequential Injuries.
 - 5. [§605] Distinction: Inverse Condemnation.

E. Patent Defects in Real Property: Four Years.

1. [§606] Scope of Statute.
2. [§607] Distinctions.

F. Latent Defects in Real Property: Ten Years.

1. [§608] Scope of Statute.
2. [§609] Retroactive Application of Statute.
3. [§610] Commencement of Ten-Year Period.
4. [§611] Delayed Accrual Rules.
5. Exceptions and Distinctions.
 - (a) [§612] In General.
 - (b) Cross-Complaint for Indemnity.
 - (1) [§613] Exception Held Applicable.
 - (2) [§614] Exception Held Inapplicable.
 - (c) [§615] Personal Injury or Death.
 - (d) [§616] Action by Homeowner for Defects in Original Construction of Residence.

G. [§617] Defects in Construction of Residential Real Property: Ten Years.

H. [§618] Slander of Title to Real Property: Three Years.

I. Injuries to or Conversion of Personal Property: Three Years.

1. [§619] Scope of Statute.
2. Exceptions and Distinctions.
 - (a) [§620] In General.
 - (b) [§621] Action for Recovery or Conversion of Personal Property Left in Hotel and Similar Establishments.
 - (c) [§622] Action for Conversion Based on Underground Trespass on Oil or Gas Well.
 - (d) [§622A] (New) Action for Specific Recovery of Unlawfully Taken Fine Art.
3. Accrual.
 - (a) [§623] Conversion by Original Wrongful Act.
 - (b) [§624] Conversion After Lawful Possession.
 - (c) [§625] Conversion by Fiduciary or Bailee.

J. Attorney Malpractice: One or Four Years.

1. [§626] Former Law.
2. Judicial Rules of Delayed Accrual.
 - (a) [§627] Accrual Delayed Until Discovery.
 - (b) [§628] Accrual Delayed Until Damage.
3. Codification.
 - (a) [§629] Nature and Scope of Statute.
 - (b) [§630] Alternative Periods.
 - (c) [§631] Statutory Tolling Provisions.
4. Tolling Until Actual Injury.
 - (a) Litigational Malpractice.
 - (1) [§632] Conflicting Decisions in Courts of Appeal.
 - (2) [§633] Laird Rule: Adverse Judgment or Dismissal.
 - (3) [§634] Distinction: Negligent Advice About Settlement.

(b) Transactional Malpractice.

- (1) [§635] Conflicting Decisions in Courts of Appeal.**
- (2) [§636] ITT Rule: Adverse Judgment, Settlement, or Dismissal.**
- (3) [§637] Problems With ITT Rule.**
- (4) [§638] ITT Rule Overruled: Malpractice Is Question of Fact.**

(c) Missed Filing Malpractice.

- (1) [§639] Conflicting Decisions in Courts of Appeal.**
- (2) [§640] Adams Rule: Question of Fact.**
- (3) [§641] Illustrations.**

(d) [§642] Criminal Case Malpractice.

5. Tolling While Attorney Continues To Represent Plaintiff.

- (a) [§643] Statute Tolloed.**
- (b) [§644] Statute Not Tolloed.**
- (c) [§645] Tolling After Attorney Leaves Law Firm.**

6. [§646] Tolling While Plaintiff Is Under Legal or Physical Disability.

7. [§647] Equitable Tolling and Estoppel Doctrines.

K. Miscellaneous Torts: Two Years.

1. Scope of Statute.

- (a) [§648] In General.**
- (b) [§649] Intentional Wrongs.**
- (c) [§650] Negligent Wrongs.**

2. Accrual: Accountant Malpractice.

- (a) [§651] Accrual Delayed Until Discovery.**
- (b) [§652] Accrual Delayed Until Damage.**

XV. STATUTE OF LIMITATIONS: ACTIONS FOR FRAUD OR MISTAKE

A. Three-Year Limitation: Scope of Statute.

- 1. [§653] Form of Action or Relief Is Not Controlling.**
- 2. [§654] Tort Action.**
- 3. [§655] Equitable Action.**
- 4. Quasi-Contract Action.**
 - (a) [§656] Money Obtained by Fraud or Mistake.**
 - (b) [§657] Money Paid Under Duress.**
- 5. [§658] Recovery of Real Property.**

B. Accrual: Showing To Excuse Late Discovery of Facts.

- 1. Burden on Plaintiff To Show Diligence.**
 - (a) [§659] General Rule.**
 - (b) [§660] Illustrations: Accrual Postponed.**
 - (c) [§661] Illustrations: Accrual Not Postponed.**
- 2. [§662] Where Circumstances Do Not Impose Duty To Inquire.**
- 3. [§663] Duty Relaxed Where Confidential Relationship Exists.**

XVI. STATUTE OF LIMITATIONS: ACTIONS ON STATUTORY LIABILITIES

A. Three-Year Limitation: Scope of Statute.

- 1. [§664] In General.**
- 2. [§665] Federal Civil Rights Action.**
- 3. Governmental Claim for Taxes.**
 - (a) [§666] Action To Collect Taxes.**

(b) [§667] Duration of Tax Lien.

4. [§668] Exceptions.

B. Accrual.

1. [§669] Obligation Payable in Installments.

2. [§670] Action Against Surety of Public Officer.

3. [§671] Action Against Shareholders and Directors.

4. [§672] Action for Reimbursement for Costs of State-Mandated Programs.

5. [§673] Action for Violation of Community Redevelopment Law.

6. [§674] Action Alleging Multiple Claims.

XVII. STATUTE OF LIMITATIONS: OTHER ACTIONS

A. [§675] Action on Judgment: Ten Years.

B. [§676] Action by Beneficiary Against Trustee: Three Years.

C. Actions Not Otherwise Provided for: Four Years.

1. **Scope of Provision: Actions in Equity.**

(a) [§677] In General.

(b) [§678] Illustrations.

2. [§679] Delayed Accrual in Action Against Fiduciary.

D. Proceedings Subject to Various Limitations Statutes.

1. **Constructive Trust.**

(a) [§680] Analysis of Problem.

(b) [§681] What Statutes Apply.

(c) [§682] Accrual on Knowledge of Facts.

2. [§683] Accounting.

3. [§684] Mandamus.

4. [§685] Declaratory Relief.

5. [§686] Restitution After Rescission.

6. [§687] Petition To Vacate or Correct Arbitration Award.

7. **Actions Against Public Entity or Employee.**

(a) **Public Entity: Where Claim Is Required.**

(1) [§688] In General.

(2) **Six-Month Period.**

(aa) [§689] Scope and Accrual.

(bb) [§690] Personal Injury Claim Not Involving Medical Malpractice.

(3) [§691] Two-Year Period.

(b) [§692] **Public Entity: Where Claim Is Not Required.**

(c) [§693] **Public Employee.**

XVIII. SUSPENSION OR EQUITABLE TOLLING OF STATUTE OF LIMITATIONS

A. [§694] In General.

B. Disability of Plaintiff.

1. [§695] In General.

2. **Minority.**

(a) [§696] Scope of Suspension.

(b) [§697] Exceptions and Distinctions.

3. **Insanity.**

(a) [§698] Scope of Suspension.

- (b) [§699] Where Guardian Ad Litem Is Appointed.
 - (c) [§700] Unconsciousness as Insanity.
 - (d) [§701] Effect of Judicial Determination.
- 4. Imprisonment.
 - (a) [§702] Scope of Suspension.
 - (b) [§703] Exceptions and Distinctions.
- 5. War.
 - (a) [§704] General Suspension Statute.
 - (b) [§705] Special Suspension Statutes.
- 6. When Disability Does Not Suspend.
 - (a) [§706] Statute Already Running.
 - (b) [§707] Representative With Right To Sue.
 - (c) [§708] Action To Recover Property Sold by Personal Representative.
- C. [§709] Disability of Attorney.
- D. Absence or Nonresidence of Defendant.
 - 1. General Rule of Suspension.
 - (a) [§710] Absence.
 - (b) [§711] Nonresidence.
 - (c) [§712] Constitutionality.
 - 2. Where Substituted Service Is Possible.
 - (a) [§713] Action In Rem.
 - (b) [§714] Action In Personam.
 - (c) [§715] Distinction: No Express Statute.
 - 3. [§716] Effect of Defendant's Return.
- E. Death of Party.
 - 1. [§717] Death of Prospective Plaintiff.
 - 2. Death of Prospective Defendant.
 - (a) [§718] Survival of Action.
 - (b) [§719] Limitations Periods.
- F. Stay or Other Prevention of Action.
 - 1. [§720] Injunction.
 - 2. Statutory Prohibition.
 - (a) [§721] In General.
 - (b) Notice of Intent To File Medical Malpractice Action.
 - (1) [§722] In General.
 - (2) Scope of Tolling Provision.
 - (aa) [§723] Medical Malpractice.
 - (bb) [§724] Equitable Indemnity.
 - (cc) [§725] Distinction: Intentional Torts.
 - (3) [§726] Form of Notice.
 - (4) [§727] Service of Notice.
 - (5) [§728] Duration of Tolling.
 - 3. Other Proceedings Preventing Effective Suit.
 - (a) [§729] In General.
 - (b) Pending Administrative Proceeding.
 - (1) [§730] In General.

(2) [§731] Effect of Pending Federal Administrative Proceeding on State Limitations Period.

(3) [§732] Distinction: Availability of Alternative Remedies.

(c) [§733] Pending Contract or Arbitration Proceeding.

(d) [§734] Pending Review Proceedings in Related Action.

G. Commencement of Action.

1. [§735] In General.

2. [§736] Distinction: Mass Tort Class Action.

3. [§737] Motion for Leave To Amend.

H. First Action Tolling Statute on Second Action.

1. [§738] In General.

2. [§739] Equitable Tolling Doctrine.

3. [§740] First Action Outside California.

4. Federal Proceeding Tolling State Action.

(a) [§741] General Rule.

(b) [§742] Distinction: Where Federal Court Is Without Jurisdiction.

(c) [§743] Effect of Federal Tolling Statute.

5. Compensation Proceeding Tolling Tort Action.

(a) [§744] General Rule.

(b) [§745] Distinction: Where Different Wrong Is Involved.

6. [§746] Compensation Proceeding Tolling Other Proceeding.

7. First Action Not Diligently Pursued.

(a) [§747] Statute in Second Action Tolled.

(b) [§748] Statute in Second Action Not Tolled.

I. [§749] Trial of Insured's Murderer.

J. Revival by Acknowledgment of Debt.

1. [§750] In General.

2. [§751] Formal Requisites.

3. Effect of Sufficient Acknowledgment.

(a) [§752] Acknowledgment Before and After Bar.

(b) [§753] No Effect on Third Parties.

4. [§754] Insufficient Acknowledgment.

5. [§755] Part Payment of Promissory Note.

K. [§756] Probation With Order of Restitution.

L. Insurance Cases.

1. Tolling While Insurer Investigates Claim.

(a) [§757] Liability Insurance.

(b) [§758] Title Insurance.

2. [§759] Tolling Until Final Judgment in Underlying Action Against Insured.

M. Repairing Defects.

1. [§760] General Rule of Tolling.

2. [§761] Distinction: Latent Defects in Real Property.

XIX. ESTOPPEL TO PLEAD STATUTE OF LIMITATIONS

A. [§762] In General.

B. Inducement Not To Sue.

1. [§763] Promise of Performance.

2. [§764] Promise of Settlement.
 3. [§765] Promise Concerning Other Pending Litigation.
 4. [§766] False Representation of No Insurance.
 5. [§767] Other Representations.
- C. Fraudulent Concealment of Identity of Defendant.**
1. [§768] Prior Rule: Statute Not Tolloed in Absence of Confidential Relationship.
 2. [§769] Current Rule: Statute Tolloed.
- D. Fraudulent Concealment of Cause of Action.**
1. [§770] Nature of Doctrine.
 2. [§771] Scope of Doctrine.
 3. [§772] What Constitutes Concealment.
 4. [§773] Fraud Cases Compared.
 5. [§774] Nondisclosure in Breach of Duty.
 6. [§775] Active Misrepresentation or Concealment.
 7. [§776] Distinction: Nondisclosure Without Fraud.
- E. [§777] Estoppel by Duress.**
- F. [§778] Expiration of Period of Estoppel.**

XX. VENUE: IN GENERAL

- A. Venue Distinguished From Jurisdiction.**
1. Nonjurisdictional Venue.
 - (a) [§779] In General.
 - (b) [§780] Illustrations.
 2. [§781] Jurisdictional Venue.
- B. Proper Court for Trial in Superior Court.**
1. [§782] Former Justice and Municipal Courts.
 2. [§783] Consolidation of Trial Courts.
- C. [§784] Legislative Control Over Venue.**
- D. Effect of Contract or Consent.**
1. [§785] General Rule: Agreement Fixing Venue Is Void.
 2. [§786] Distinctions and Exceptions.
- E. Determining Form of Action for Venue Purposes.**
1. [§787] In General: Bases of Classification.
 2. [§788] The Main Relief Rule.
 3. Plaintiff's Complaint.
 - (a) [§789] Complaint Is Ordinarily Determinative.
 - (b) [§790] Construction Against Plaintiff.
 - (c) [§791] Failure To State Cause of Action.

XXI. VENUE: LOCAL ACTIONS

- A. Actions Involving Real Property.**
1. General Principles.
 - (a) [§792] Former Constitutional Provision.
 - (b) [§793] Nature and Classes.
 - (c) [§794] Land in More Than One County.
 2. Recovery or Determination of Interest.
 - (a) [§795] Ejectment and Unlawful Detainer.

- (b) [§796] Quiet Title.
 - (c) [§797] Actions Involving Deeds, Contracts, or Trusts.
 - 3. [§798] Partition.
 - 4. [§799] Enforcement of Lien.
 - 5. [§800] Condemnation.
 - 6. Damages for Injuries to Real Property.
 - (a) [§801] Physical Injuries.
 - (b) [§802] Indirect or Consequential Injuries.
 - (c) [§803] Inverse Condemnation.
 - B. [§804] Recovery of Penalty or Forfeiture.
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 - 1. [§805] Proceeding Against Executor or Other Representative.
 - 2. [§806] Proceeding Under Trust Law.
 - 3. [§807] Guardianship or Conservatorship Proceeding.
 - 4. [§808] Proceeding Under Power of Attorney Law or Health Care Decisions Law.
 - 5. [§809] Proceeding Under Transfers to Minors Act.
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 - (a) [§810] Former Law: Petitioner's Residence.
 - (b) [§811] Current Law: Either Party's Residence.
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 - (a) [§812] Former Law: Respondent's Residence.
 - (b) [§813] Current Law: Either Party's Residence.
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- A. Actions Triable at Defendant's Residence.
 - 1. [§817] Nature of Right.
 - 2. Meaning and Proof of Residence.
 - (a) [§818] Residence and Domicile.
 - (b) [§819] Subjective Factors.
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 - 3. [§821] Personal Torts Other Than Physical Injury or Death.
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 - B. Actions Triable at Residence and Elsewhere.

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 - (2) [§835] What Are Contract Actions.
 - (3) [§836] Where Main Relief Is Contractual.
 - (b) County Where Contract Is Entered Into.
 - (1) [§837] In General.
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 - (3) [§839] Effect of Modification or Option.
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 - (1) [§841] Effect of Limiting Proviso: "Obligation Incurred."
 - (2) Meaning of "Special Contract."
 - (aa) [§842] Promise Must Be Express.
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 - (a) [§847] Defendant Nonresident or Residence Unknown.
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- A. Nature and Scope of Statute.
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- B. Principal Place of Business or Office.
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 - (a) [§852] Domestic Corporation or Association.
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- (a) [§862] Nature of Problem.
- (b) [§863] Where Attorney General Has Office.
- (c) [§864] Effect of Venue Statutes.

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- (a) [§865] Local Actions.
- (b) [§866] Transitory Actions.
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- (a) [§869] Statutory Rule.
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3. [§873] Parties Excluded.

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2. [§883] Mixed Action.

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- (a) [§885] General Rule: Residence Venue Controls.
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 - (1) [§886] Action Under Fair Employment and Housing Act.
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- (a) [§889] Effect of Proper Joinder.
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 - (1) [§896] Insufficiency Appearing From Facts Shown.
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 - (a) [§905] Statutory Grounds.
 - (b) [§906] Defendant's Right and Court's Discretion.
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 - (a) [§907] Necessity of Motion.
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 - (a) [§922] Form of Notice.

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 - (aa) [§952] General Rule: Convenience Is Not Considered.
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 - (a) [§971] Common Law Rule.
 - (b) [§972] Abrogation of Common Law Rule.
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 - (a) [§973] Common Law Rule.
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- XXIX. SERVICE OF PROCESS**
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 - C. Manner of Service in General.
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 - (a) [§1021] In General.
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- (a) [§1032] Former Law.
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- (a) [§1035] Necessity.
- (b) [§1036] Who May Make.
- (c) [§1037] Form.
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 - (1) [§1038] Inquiry of Persons.
 - (2) [§1039] Search of Directories and Records.
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 - (1) [§1040] Statutory Conditions.
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- (a) [§1043] Publication.
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H. [§1045] Posting in Unlawful Detainer.

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- (a) [§1046] Officer or Designated Agent.
- (b) [§1047] Ostensible Agent.
- (c) [§1048] Secretary of State.

2. Foreign Corporation.

- (a) [§1049] Officer or Designated Agent.
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- (a) [§1051] Domestic Corporation.
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- (a) [§1054] Domestic Association.
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- (a) [§1056] In General.
- (b) [§1057] Officers.
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 - (1) [§1058] Nature and Purpose.

(2) [§1059] Effect of Agency's Failure To Comply.

- 7. [§1060] Minor.**
- 8. [§1061] Ward or Conservatee.**
- 9. [§1062] Candidate for Public Office.**
- 10. [§1063] Other Persons.**

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- 2. [§1065] Nature of Return.**
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