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**CIVIL CODE - CIV**

**DIVISION 2. PROPERTY [654 - 1422]** ( *Heading of Division 2 amended by Stats. 1988, Ch. 160, Sec. 13. )*

**PART 2. REAL OR IMMOVABLE PROPERTY [[755.] - 945.5]** ( *Part 2 enacted 1872. )*

**TITLE 5. MARKETABLE RECORD TITLE [880.020 - 887.090]** ( *Title 5 added by Stats. 1982, Ch. 1268, Sec. 1. )*

**CHAPTER 3. Mineral Rights [883.110 - 883.270]** ( *Chapter 3 added by Stats. 1984, Ch. 240, Sec. 2. )*

**ARTICLE 2. Termination of Dormant Mineral Right [883.210 - 883.270]** ( *Article 2 added by Stats. 1984, Ch. 240, Sec. 2. )*

**883.210.** The owner of real property subject to a mineral right may bring an action to terminate the mineral right pursuant to this article if the mineral right is dormant.

(*Added by Stats. 1984, Ch. 240, Sec. 2.*)

**883.220.** For the purpose of this article, a mineral right is dormant if all of the following conditions are satisfied for a period of 20 years immediately preceding commencement of the action to terminate the mineral right:

- (a) There is no production of the minerals and no exploration, drilling, mining, development, or other operations that affect the minerals, whether on or below the surface of the real property or on other property, whether or not unitized or pooled with the real property.
- (b) No separate property tax assessment is made of the mineral right or, if made, no taxes are paid on the assessment.
- (c) No instrument creating, reserving, transferring, or otherwise evidencing the mineral right is recorded.

(*Added by Stats. 1984, Ch. 240, Sec. 2.*)

**883.230.** (a) An owner of a mineral right may at any time record a notice of intent to preserve the mineral right.

(b) In lieu of the statement of the character of the interest claimed and the record location of the documents creating or evidencing the mineral rights claimed as otherwise required by paragraph (2) of subdivision (b) of Section 880.330 and in lieu of the legal description of the real property in which the interest is claimed as otherwise required by paragraph (3) of subdivision (b) of Section 880.330 and notwithstanding the provisions of Section 880.340 or any other provision in this title, a notice of intent to preserve a mineral right may refer generally and without specificity to any or all mineral rights claimed by claimant in any real property situated in the county.

(c) A mineral right is not dormant for the purpose of this article if:

- (1) A notice of intent to preserve the mineral right is recorded within 20 years immediately preceding commencement of the action to terminate the mineral right.
- (2) A notice of intent to preserve the mineral right is recorded pursuant to Section 883.250 after commencement of the action to terminate the mineral right.

(*Added by Stats. 1984, Ch. 240, Sec. 2.*)

**883.240.** (a) An action to terminate a mineral right pursuant to this article shall be brought in the superior court of the county in which the real property subject to the mineral right is located.

(b) The action shall be brought in the same manner and shall be subject to the same procedure as an action to quiet title pursuant to Chapter 4 (commencing with Section 760.010) of Title 10 of Part 2 of the Code of Civil Procedure, to the extent applicable.

(*Added by Stats. 1984, Ch. 240, Sec. 2.*)

**883.250.** In an action to terminate a mineral right pursuant to this article, the court shall permit the owner of the mineral right to record a late notice of intent to preserve the mineral right as a condition of dismissal of the action, upon payment into court for the benefit of the owner of the real property the litigation expenses attributable to the mineral right or portion thereof as to which the notice is recorded. As used in this section, the term "litigation expenses" means recoverable costs and expenses reasonably and necessarily incurred in preparation for the action, including a reasonable attorney's fee.

*(Added by Stats. 1984, Ch. 240, Sec. 2.)*

**883.260.** A mineral right terminated pursuant to this article is unenforceable and is deemed to have expired. A court order terminating a mineral right pursuant to this article is equivalent for all purposes to a conveyance of the mineral right to the owner of the real property.

*(Added by Stats. 1984, Ch. 240, Sec. 2.)*

**883.270.** Subject to Section 880.370 (grace period for recording notice), this article applies to all mineral rights, whether executed or recorded before, on, or after January 1, 1985.

*(Added by Stats. 1984, Ch. 240, Sec. 2.)*