

WEST'S CALIFORNIA CODES

Includes laws through the 1979 Regular Session

COMPACT EDITION
1980

[Supersedes 1979 Compact Edition]

**CIVIL
PROCEDURE**

OFFICIAL CLASSIFICATION

WEST'S CALIFORNIA CODES

Includes laws through the 1979 portion of the
1979 – 1980 Regular Session

COMPACT EDITION
1980

CIVIL PROCEDURE

Official Classification

ST. PAUL, MINN.
WEST PUBLISHING CO.

COPYRIGHT © 1978, 1979 WEST PUBLISHING CO.

COPYRIGHT © 1980

By

WEST PUBLISHING CO.

FOREWORD

This edition of the Code of Civil Procedure of California, *without court constructions and other annotations*, provides the members of the California Bench and Bar with a compact Code containing the full text of the law, completely indexed.

It is a companion work to WEST'S ANNOTATED CALIFORNIA CODES in which the user will find exhaustive annotations to the judicial construction and application of the Code, detailed historical notes explaining legislative changes in the provisions, references to law review commentaries, and many other informative features.

All legislative amendments and supplementary provisions through the 1979 portion of the 1979-1980 Regular Session are integrated in accordance with their official allocations.

Special attention is invited to the Official Forms which are included under sections 412.20, 482.040 to 489.010, 585, 674, 675, 682, 1698.3, 1710.30, and 1985, for convenient reference.

This convenient handbook provides the practitioner with easy access to the Code of Civil Procedure for basic research and reference.

THE PUBLISHER

January, 1980

*

TABLE OF CONTENTS

Part		Section	Page
	TITLE OF ACT	1	1
	PRELIMINARY PROVISIONS	2	1
1.	OF COURTS OF JUSTICE	33	8
2.	OF CIVIL ACTIONS	307	74
3.	OF SPECIAL PROCEEDINGS OF A CIVIL NATURE	1063	503
3.5	OF ALTERNATIVE PROCEDURES	1823	703
4.	MISCELLANEOUS PROVISIONS	1834	708

PART 1. OF COURTS OF JUSTICE

Title			
1.	Organization and Jurisdiction	33	8
	Chapter		
	1. Courts of Justice in General	33	8
	2. Court of Impeachment [Repealed]	35	8
	2.5 The Judicial Council	39	9
	3. Supreme Court [and District Courts of Appeal]	40	9
	4. Superior Courts	65	11
	5. Municipal Courts and Justice Courts	81	14
	Article		
	1. General Provisions	81	14
	2. Municipal Courts [Repealed]	90	16
	3. Justice Courts [Repealed]	98	16
	4. Justices of the Peace and Justices' Courts in General [Repealed]	108	17
	5. Uniform Accounting System for Municipal Courts and Justice Courts [Repealed]	116a	18
	5-A. Small Claims Courts	116	18
	5-B. Small Claims Court Experimental Project	118	32
	Article		
	1. Legislative Intent	118	33
	2. Advisory Committee	119	33
	3. Administration of Experimental Project Districts	120	34
	4. Procedures in the Court Assistance Experimental Project Districts	121	35
	5. Data Collection and Evaluation	122	36
	6. Monetary Jurisdiction Experiment	123	37
	6. General Provisions Respecting Courts of Justice	121	39
	Article		
	1. Publicity of Proceedings	121	39
	2. Incidental Powers and Duties of Courts	128	39
	3. Judicial Days	133	41
	4. Proceedings in Case of Absence of Judge	139	42
	5. Provisions Respecting Places of Holding Courts [Repealed]	142	42
	6. Seals of Courts	147	43

TABLE OF CONTENTS

Title	Section	Page
2. Judicial Officers	156	43
Chapter		
1. Judicial Officers in General	156	43
2. Powers of Judges at Chambers	165	44
3. Disqualifications of Judges	170	45
4. Incidental Powers and Duties of Judicial Of- ficers	176	51
5. Miscellaneous Provisions Respecting Courts of Justice	182	52
3. Persons Specially Invested With Powers of a Judi- cial Nature	190	53
Chapter		
1. Jurors	190	53
Article		
1. Jurors in General	190	53
2. Qualifications and Exemptions of Jurors	198	54
3. Of Selecting and Returning Jurors for Courts of Record	203	55
4. Of Drawing Jurors for Courts of Record	214	60
5. Of Summoning Jurors for Courts of Record	225	61
6. Of Summoning Jurors for Courts not of Record	230	62
7. Of Summoning Juries of Inquest [Re- pealed]	235	64
8. Obedience to Summons, How Enforced	238	64
9. Of Impaneling Grand Juries [Repealed]	241	64
10. Of Impaneling Trial Juries in Courts of Record	246	64
11. Of Impaneling Trial Juries in Courts not of Record	250	65
12. Of Impaneling Juries of Inquest	254	65
13. Selection and Drawing of Jurors by Me- chanical Device	255	65
2. Court Commissioners	258	66
4. Ministerial Officers of Courts of Justice	262	67
Chapter		
1. Of Ministerial Officers Generally	262	67
2. Secretaries and Bailiffs of the Supreme Court [Repealed]	265	70
3. Phonographic Reporters	268	70
5. Persons Specially Invested With Ministerial Powers Relating to Courts of Justice	275	71
Chapter		
1. Attorneys and Counselors at Law	275	71
2. Other Persons Invested with Such Powers	304	73
 PART 2. OF CIVIL ACTIONS 		
1. Of the Form of Civil Actions	307	74
2. Of the Time of Commencing Civil Actions	312	74
Chapter		
1. The Time of Commencing Actions in General	312	75
2. The Time of Commencing Actions for the Re- covery of Real Property	315	75

TABLE OF CONTENTS

Title		
2. Of the Time of Commencing Civil Actions—Cont'd		
Chapter	Section	Page
3. The Time of Commencing Actions other than for the Recovery of Real Property	335	79
4. General Provisions as to the Time of Com- mencing Actions	350	89
5. The Commencement of Actions Based Upon Professional Negligence	364	92
3. Of the Parties to Civil Actions	367	93
3A. Vexatious Litigants	391	103
4. Of the Place of Trial of Civil Actions	392	104
Chapter		
1. Generally	392	104
2. Coordination	404	113
4.5 Recording Notice of Certain Actions	405	114
5. Jurisdiction and Service of Process	410.10	116
Chapter		
1. Jurisdiction and Inconvenient Forum	410.10	116
Article		
1. Jurisdiction	410.10	116
2. Inconvenient Forum	410.30	116
3. Jurisdiction in Action	410.50	116
2. Commencing Civil Actions	411.10	117
3. Summons	412.10	120
4. Service of Summons	413.10	132
Article		
1. General	413.10	132
2. Persons Who May Serve Summons	414.10	133
3. Manner of Service of Summons	415.10	133
4. Persons Upon Whom Summons May Be Served	416.10	137
5. Proof of Service	417.10	139
5. Objection to Jurisdiction	418.10	140
6. Of the Pleadings in Civil Actions	420	141
Chapter		
1. The Pleadings in General	420	141
2. Pleadings Demanding Relief	425	142
Article		
1. General Provisions	425	142
2. Compulsory Cross-Complaints	426.10	144
3. Permissive Joinder of Causes of Ac- tion	427.10	145
4. Cross-Complaints	428.10	145
5. Contents of Documents in Particular Ac- tions or Proceedings	429.10	147
3. Objections to Pleadings; Denials and De- fenses	430	148
Article		
1. Objections to Pleadings	430	148
2. Denials and Defenses	431	150
3. Time to Respond to Cross-Complaint	432	154
4. Motion to Strike	435	154
5. Summary Judgments	437c	155
6. Verification of Pleadings	446	156

TABLE OF CONTENTS

Title

6. Of the Pleadings in Civil Actions—Continued		
Chapter	Section	Page
7. General Rules of Pleading	452	157
8. Variance—Mistakes in Pleadings and Amendments	469	160
7. Of Part 2 [Repealed]	477	163
6.5 Attachment	481.010	164
Chapter		
1. Words and Phrases Defined	481.010	164
2. General Provisions	482.010	166
3. Actions in Which Attachment Authorized	483.010	181
4. Noticed Hearing Procedure for Obtaining Writ of Attachment	484.010	182
Article		
1. Right to Attach Orders; Issuance of Writ of Attachment	484.010	182
2. Noticed Hearing Procedure for Obtaining Additional Writs	484.310	186
3. Ex Parte Procedure for Obtaining Additional Writ	484.510	188
5. Ex Parte Hearing Procedure for Obtaining Writ of Attachment	485.010	191
Article		
1. Great or Irreparable Injury Requirement	485.010	191
2. Order Determining Right to Attach; Issuance of Writ of Attachment	485.210	192
3. Procedure for Obtaining Additional Writs	485.510	198
4. Claim of Exemption	485.610	199
6. Temporary Protective Order	486.010	199
7. Property Subject to Attachment	487.010	208
8. Levy Procedures; Lien of Attachment; Management and Disposition of Attached Property	488.010	209
Article		
1. General Provisions	488.010	209
2. Method of Levy on Particular Types of Property	488.310	215
3. Lien of Attachment; Management and Disposition of Attached Property	488.500	221
9. Undertakings	489.010	224
Article		
1. General Provisions	489.010	225
2. Undertakings to Obtain Writ of Attachment or Protective Order	489.210	229
3. Undertaking to Obtain Release of Attachment or Protective Order	489.310	230
4. Undertaking on Appeal	489.410	232
10. Liability for Wrongful Attachment	490.010	232
11. Examination of Third Person Indebted to Defendant; Additional Witnesses	491.010	233
12. Nonresident Attachment	492.010	234
13. Effect of Bankruptcy Proceedings and General Assignments for the Benefit of Creditors	493.010	237

TABLE OF CONTENTS

Title	Section	Page
7. Other Provisional Remedies in Civil Actions	500	234
Chapter		
1. General Provisions	500	239
2. Claim and Delivery of Personal Property	511.010	239
Article		
1. Words and Phrases Defined	511.010	239
2. Writ of Possession	512.010	240
3. Temporary Restraining Order	513.010	254
4. Levy and Custody	514.010	259
5. Undertakings	515.010	260
6. Miscellaneous Provisions	516.010	265
3. Injunction	525	265
4. Prevention of Domestic Violence	540	289
Article		
1. General Provisions	540	289
2. Protective Orders	545	290
3. Registration and Enforcement of Orders	550	292
5. Receivers	564	293
5a. Undertaking of Persons Handling Private Property or Funds	571	295
6. Deposit in Court	572	295
7a. Pretrial Conferences	575	296
8. Of the Trial and Judgment in Civil Actions	577	296
Chapter		
1. Judgment in General	577	296
2. Judgment upon Failure to Answer	585	304
3. Issues—The Mode of Trial and Postponements	588	309
4. Trial by Jury	600	314
Article		
1. Formation of the Jury	600	314
2. Conduct of the Trial	607	317
3. The Verdict	624	320
5. Trial by Court	631	322
6. Of References and Trials by Referees	638	325
7. Provisions Relating to Trials in General	646	327
Article		
1. Exceptions	646	327
1.5 View by Trier of Fact	651	328
2. New Trials	655	328
8. The Manner of Giving and Entering Judgment	664	333
9. Execution of Judgment in Civil Actions	681	347
Chapter		
1. Execution	681	347
2. Proceedings Supplemental to Execution	714	394
2.5 Employees' Earnings Protection Law	723.010	397
Article		
1. Short Title; Definitions	723.010	397
2. General Provisions	723.020	397
3. Restrictions on Earnings Withholding	723.050	400
4. Earnings Withholding Orders for Taxes	723.070	400
5. Procedure for Earnings Withholding Orders and Exemption Claims	723.100	404

TABLE OF CONTENTS

Title		Section	Page
9.	Execution of Judgment in Civil Actions—Cont'd		
	Article		
	6. Forms; Employer's Instructions	723.120	407
	7. Administration and Enforcement	723.151	409
	Chapter		
	3. Sale of Franchises	724a	410
10.	Actions in Particular Cases	725a	411
	Chapter		
	1. Actions for the Foreclosure of Mortgages	725a	411
	2. Actions for Nuisance, Waste, and Willful Trespass, in Certain Cases, on Real Property	731	414
	3. Actions to Determine Conflicting Claims to Real [and Personal] Property, and Other Provisions Relating to Actions Concerning Real Estate	738	416
	3.5 Actions to Re-establish Destroyed Land Records	751.01	425
	3.6 Cullen Earthquake Act	751.50	431
	4. Actions for the Partition of Real [and Personal] Property [Repealed]	752	434
	4A. Actions Concerning Real Property Titles Affected by Public Improvement Assessments	801.1	434
	5. Actions for the Usurpation of an Office or a Franchise	802	436
	6. Of Actions Against Steamers, Vessels, and Boats [Repealed]	813	438
	7. Actions for Libel and Slander	830	438
	8. Actions Against Co-owners of Mines	850	440
	9. Validating Proceedings	860	441
	10. Good Faith Improver of Property Owned by Another	871.1	443
10A.	Civil Proceedings in Municipal Courts [Repealed]	831	444
10.5	Partition of Real and Personal Property	872.010	444
	Chapter		
	1. General Provisions	872.010	444
	Article		
	1. Preliminary Provisions	872.010	444
	2. Powers of Court	872.110	445
	2. Commencement of Action	872.210	446
	Article		
	1. Complaint and Lis Pendens	872.210	446
	2. Summons	872.310	447
	3. Answer	872.410	447
	4. Parties	872.510	448
	3. Trial	872.610	449
	Article		
	1. Determination of Interests of Parties	872.610	449
	2. Determination of Right to Partition	872.710	449
	3. Determination of Manner of Partition	872.810	450
	4. Referees	873.010	451
	Article		
	1. General Provisions	873.010	451
	2. Contracts of Referee	873.110	452
	5. Division of the Property	873.210	453
	6. Sale of the Property	873.510	454
	Article		
	1. Manner of Sale	873.510	454

TABLE OF CONTENTS

Title		
10.5 Partition of Real and Personal Property—Cont'd		
Article	Section	Page
2. Sales Procedure	873.600	454
3. Consummation of Sale	873.710	456
4. Disposition of Proceeds of Sale	873.810	457
Chapter		
7. Partition by Appraisal	873.910	458
8. Costs of Partition	874.010	460
Article		
1. Allowance and Apportionment of Costs of Partition	874.010	460
2. Payment of Costs of Partition	874.110	460
9. Judgment	874.210	461
11. Release From and Contribution Among Joint Tortfeasors	875	461
12. Proceedings in Civil Actions in Police Courts [Re- pealed]	929	463
13. Appeals in Civil Actions	901	463
Chapter		
1. Appeals in General	901	463
2. Stay of Enforcement and Other Proceedings	916	468
14. Miscellaneous Provisions	989	474
Chapter		
1. Proceedings Against Joint Debtors	989	474
2. Offer of the Defendant to Compromise [Re- pealed]	997	475
3. Offers by a Party to Compromise	998	475
4. Motions and Orders	1003	476
5. Notices, and Filing and Service of Papers	1010	477
6. Of Costs	1021	484
7. General Provisions	1041	493
8. Declaratory Relief	1060	501

PART 3. OF SPECIAL PROCEEDINGS OF A CIVIL NATURE

Preliminary Provisions	1063	503
1. Of Writs of Review, Mandate, and Prohibition	1067	503
Chapter		
1. Writ of Review	1067	503
2. Writ of Mandate	1084	505
3. Writ of Prohibition	1102	510
4. Writs of Review, Mandate, and Prohibition May Issue and Be Heard	1107	511
5. Rules of Practice and Appeals	1109	512
2. Of Contesting Certain Elections [Repealed]	1111	512
3. Of Summary Proceedings	1132	513
Chapter		
1. Confession of Judgment Without Action	1132	513
2. Submitting a Controversy Without Action	1138	514
2.5 Judicial Arbitration	1141.10	514
3. Discharge of Persons Imprisoned on Civil Process [Repealed]	1143	518
4. Summary Proceedings for Obtaining Posses- sion of Real Property in Certain Cases	1159	518
4. Of the Enforcement of Liens	1180	527

TABLE OF CONTENTS

Title

4. Of the Enforcement of Liens—Continued		
Chapter	Section	Page
1. Liens in General	1180	527
2. Liens of Mechanics and Others Upon Real Property [Repealed]	1181	527
2.5 Oil and Gas Liens	1203.50	528
3. Certain Liens and Priorities for Salaries, Wages and Consumer Deposits	1204	532
4. Certain Liens Upon Animals	1208.5	535
5. Liens on Aircraft	1208.61	536
5. Of Contempts	1209	537
6. Of the Voluntary Dissolution of Corporations [Re- pealed]	1227	541
7. Eminent Domain Law	1230.010	541
Chapter		
1. General Provisions	1230.010	542
2. Principles of Construction; Definitions	1235.010	544
Article		
1. Construction	1235.010	544
2. Words and Phrases Defined	1235.110	544
3. The Right to Take	1240.010	545
Article		
1. General Limitations on Exercise of Power of Eminent Domain	1240.010	545
2. Rights Included in Grant of Eminent Domain Authority	1240.010	546
3. Future Use	1240.210	547
4. Substitute Condemnation	1240.310	548
5. Excess Condemnation	1240.410	549
6. Condemnation for Compatible Use	1240.510	550
7. Condemnation for More Necessary Public Use	1240.610	551
4. Precondemnation Activities	1245.010	553
Article		
1. Preliminary Location, Survey, and Tests	1245.010	553
2. Resolution of Necessity	1245.210	555
3. Resolution Consenting to Eminent Do- main Proceeding by Quasi-Public Entity	1245.310	558
5. Commencement of Proceeding	1250.010	559
Article		
1. Jurisdiction and Venue	1250.010	560
2. Commencement of Proceeding Gener- ally	1250.110	560
3. Parties; Joinder of Property	1250.210	561
4. Pleadings	1250.310	561
5. Objections to Right to Take	1250.350	563
6. Settlement Offers	1250.410	564
6. Deposit and Withdrawal of Probable Com- pensation; Possession Prior to Judgment	1255.010	564
Article		
1. Deposit of Probable Compensation	1255.010	564
2. Withdrawal of Deposit	1255.210	567
3. Possession Prior to Judgment	1255.410	569

TABLE OF CONTENTS

Title

7. Eminent Domain Law—Continued		
Chapter	Section	Page
7. Discovery; Exchange of Valuation Data	1258.010	571
Article		
1. Discovery	1258.010	571
2. Exchange of Valuation Data	1258.210	571
8. Procedures for Determining Right to Take and Compensation	1260.010	574
Article		
1. General Provisions	1260.010	574
2. Contesting Right to Take	1260.110	575
3. Procedures Relating to Determination of Compensation	1260.210	575
9. Compensation	1263.010	577
Article		
1. General Provisions	1263.010	577
2. Date of Valuation	1263.110	577
3. Compensation for Improvements	1263.205	578
4. Measure of Compensation for Property Taken	1263.310	580
5. Compensation for Injury to Remainder	1263.410	580
6. Compensation for Loss of Goodwill	1263.510	581
7. Miscellaneous Provisions	1263.610	581
10. Divided Interests	1265.010	582
Article		
1. General Provisions	1265.010	582
2. Leases	1265.110	582
3. Encumbrances	1265.210	583
4. Future Interests	1265.410	584
11. Postjudgment Procedure	1268.010	584
Article		
1. Payment of Judgment; Final Order of Condemnation	1268.010	584
2. Deposit and Withdrawal of Award	1268.110	585
3. Possession After Judgment	1268.210	587
4. Interest	1268.310	588
5. Proration of Property Taxes	1268.410	588
6. Abandonment	1268.510	589
7. Litigation Expenses and Damages Upon Dismissal or Defeat of Right to Take	1268.610	590
8. Costs	1268.710	590
12. Arbitration of Compensation in Acquisitions of Property for Public Use	1273.010	591
7.1 Evidence in Eminent Domain and Inverse Condemnation Proceedings [Repealed]	1268	593
8. Change of Names	1275	593
8A. Abandoned Property [Repealed]	1274.1	595
9. Arbitration	1280	595
Chapter		
1. General Provisions	1280	595
2. Enforcement of Arbitration Agreements	1281	595
3. Conduct of Arbitration Proceedings	1282	597

TABLE OF CONTENTS

Title

9. Arbitration—Continued

Chapter	Section	Page
4.	Enforcement of the Award	1285 601
Article		
1.	Confirmation, Correction or Vacation of the Award	1285 601
2.	Limitations of Time	1288 603
5.	General Provisions Relating to Judicial Pro- ceedings	1290 604
Article		
1.	Petitions and Responses	1290 604
2.	Venue, Jurisdiction and Costs	1292 605
3.	Appeals	1294 606
9.1.	Arbitration of Medical Malpractice	1295 607
9.2.	Public Construction Contract Arbitration	1296 608
10.	Unclaimed Property	1300 608
Chapter		
1.	General Provisions	1300 608
Article		
1.	Definitions	1300 608
2.	Purpose and Scope	1305 611
2.	Receipt and Expenditure of Funds	1310 612
Article		
1.	Deposit of Unclaimed Property	1310 612
2.	Appropriation	1325 615
3.	Payment of Claims	1335 616
Article		
1.	General	1335 616
2.	Refund of Erroneous Receipts	1345 617
3.	Claims	1350 618
4.	Management of Unclaimed Property	1360 620
Article		
1.	General Provisions	1360 621
2.	Powers of the Controller	1365 621
3.	Sale or Disposal of Property	1370 621
4.	Disposal of Proceeds of Sale or Lease	1390 623
5.	Escheat Proceedings	1410 625
Article		
1.	Escheat Proceedings on Unclaimed Prop- erty	1410 625
2.	Escheat by Notice and Publication	1415 626
3.	Escheat Proceedings in Decedents' Es- tates	1420 627
4.	Permanent Escheat	1430 630
6.	Disposition of Unclaimed Property	1440 630
Article		
1.	Estates of Deceased Persons	1440 630
2.	Abandoned Property	1460 634
3-15.	Repealed.	
7.	Unclaimed Property Law	1500 634
Article		
1.	Short Title; Definitions; Application	1500 634
2.	Escheat of Unclaimed Personal Prop- erty	1510 637
3.	Identification of Escheated Property	1530 643

TABLE OF CONTENTS

Title		Section	Page
7. Unclaimed Property Law—Cont'd			
Article			
4. Payment of Claims	-----	1540	646
5. Administration of Unclaimed Property	-----	1560	647
6. Compliance and Enforcement	-----	1570	650
7. Miscellaneous	-----	1580	653
Chapter			
8. Property in Custody of Federal Officers, Agencies, and Departments	-----	1600	653
10a. Revised Uniform Reciprocal Enforcement of Sup- port Act of 1968	-----	1650	658
Chapter			
1. General Provisions	-----	1650	658
2. Criminal Enforcement	-----	1660	660
3. Civil Enforcement	-----	1670	661
10b. Fiduciaries' Wartime Substitution Law	-----	1700	673
Chapter			
1. General Provisions	-----	1700	673
2. Appointment of Substitute Fiduciary	-----	1701	675
11. Sister State and Foreign Money—Judgments	-----	1710.10	679
Chapter			
1. Sister State Money—Judgments	-----	1710.10	679
2. Foreign Money—Judgments	-----	1713	687
11a. Conciliation Proceedings	-----	1730	689
Chapter			
1. Conciliation Court Law	-----	1730	689
Article			
1. General Provisions	-----	1730	689
2. Conciliation Courts	-----	1740	690
3. Proceedings for Reconciliation of Spouses	-----	1760	693
11b. Recovery of Preferences in an Assignment for the Benefit of Creditors	-----	1800	697
12. Of Sole Traders	-----	1811	699
13. Inspection Warrants	-----	1822	701
14. Proceedings for the Adjustment, Settlement, and Payment of any Indebtedness Existing Against any City or Municipal Corporation at the Time of Exclusion of Territory Therefrom, and the Divi- sion of the Property Thereof [Repealed]	-----	1822c	702

PART 3.5 OF ALTERNATIVE PROCEDURES

1. Pilot Projects	-----	1823	703
-------------------	-------	------	-----

PART 4. MISCELLANEOUS PROVISIONS

1. Of the General Principles of Evidence	-----	1834	708
2. Of the Kinds and Degrees of Evidence	-----	1875	712
Chapter			
1. Knowledge of the Court [Repealed]	-----	1875	712
2. Witnesses	-----	1878	712
3. Writings	-----	1887	712
Article			
1. Writings in General [Repealed]	-----	1887	712
2. Public Writings	-----	1892	713

TABLE OF CONTENTS

Title

2. Of the Kinds and Degrees of Evidence—Continued		
Article	Section	Page
2.1 Official Reports [Repealed]	1928.1	717
3. Private Writings	1929	717
4. Records Destroyed in Fire or Calamity	1953	720
4.5 Private Records Destroyed in Disaster or Calamity	1953.10	721
5. Uniform Business Records as Evidence Act [Repealed]	1953e	722
6. Uniform Photographic Copies of Business and Public Records as Evidence Act [Repealed]	1953i	722
Chapter		
4. Material Objects Presented to the Senses, Other Than Writings [Repealed]	1954	722
5. Indirect Evidence, Inferences, and Presump- tions [Repealed]	1957	722
6. Indispensable Evidence	1967	722
7. Conclusive or Unanswerable Evidence [Re- pealed]	1978	723
8. Uniform Act on Blood Tests to Determine Pa- ternity [Repealed]	1980.1	723
3. Of the Production of Evidence	1981	723
Chapter		
1. By Whom to be Produced [Repealed]	1981	723
2. Means of Production	1985	723
3. Manner of Production	2002	732
Article		
1. Mode of Taking the Testimony of Wit- nesses	2002	732
2. Affidavits	2009	733
3. Depositions and Discovery	2016	735
4. Discovery of Expert Witnesses	2037	750
5. Manner of Taking Depositions in This State [Repealed]	2031	752
6. General Rules of Examination [Repealed]	2042	752
4. Of the Effect of Evidence [Repealed]	2061	753
5. Of the Rights and Duties of Witnesses	2064	753
6. Of Evidence in Particular Cases, and Miscellaneous and General Provisions	2074	754
Chapter		
1. Evidence in Particular Cases	2074	754
2. Proceedings to Perpetuate Testimony [Re- pealed]	2083	755
3. Administration of Oaths and Affirmations	2093	755
7. Uniform Federal Lien Registration Act	2100	756

INDEX

(Page 759)

THE CODE OF CIVIL PROCEDURE OF THE STATE OF CALIFORNIA

An Act to ESTABLISH A CODE OF CIVIL PROCEDURE

*The People of the State of California, represented in Senate
and Assembly, do enact as follows:*

Part	Section
Title of Act	1
Preliminary Provisions	2
1. Of Courts of Justice	33
2. Of Civil Actions	307
3. Of Special Proceedings of a Civil Nature	1063
3.5. Of Alternative Procedures	1823
4. Miscellaneous Provisions	1885

TITLE OF ACT

§ 1. Title and division of code

This act shall be known as the Code of Civil Procedure, and is divided into four parts, as follows:

Part I. Of Courts of Justice.

II. Of Civil Actions.

III. Of Special Proceedings of a Civil Nature.

IV. Miscellaneous Provisions.

(Enacted 1872. Amended by Stats.1965, c. 299, § 15.)

PRELIMINARY PROVISIONS

- Sec.
2. Effective date.
 8. Prospective application.

Sec.

4. Establishment of law; liberal construction.
5. Construction of certain sections as continuations of existing statutes.
6. Preservation of tenure of existing offices.
7. Offices abolished by repeal.
8. Pending actions and accrued rights; effect of code.
9. Running of limitations; effect of code.
10. Holidays.
11. Certified mail; compliance with mailing provisions.
12. Computation of time.
- 12a. Computation of time; holidays; application of section.
- 12b. Computation of time; day on which public office closed considered holiday.
13. Holidays; postponing performance.
- 13a. Special holidays; optional performance or postponement.
- 13b. Saturday; optional performance.
14. Seal defined.
15. Joint authority; majority control.
16. Construction of words and phrases.
17. Words and phrases; included meanings; signature by mark, formalities; interpretations and definitions.
18. Repeal of statutes relating to subjects covered by code; protection of vested rights; private statutes unaffected.
19. Citation of code.
20. Judicial remedies defined.
21. Classes of judicial remedies.
22. Action defined.
23. Special proceeding defined.
24. Kinds of actions.
25. Civil action; origin.
26. Obligation defined.
27. Kinds of injuries.
28. Injury to property defined.