

Explanatory Comment

Rule 1063 governing the commencement of the action to quiet title and Rule 1093 governing the commencement of the action in mandamus have been amended to clarify and update both rules. Both rules currently allow for an action to be initiated by complaint or agreement for an amicable action. The amendment limits initiation of an action by complaint only. The agreement for an amicable action was deleted from Rule 1007 governing the commencement of general civil actions in 1991 because it was a device little used in modern practice, and could be achieved through alternative procedures. See Rule 1007, Explanatory Comment -- 1991. The amendment of Rule 1063 and 1093 conforms both the action to quiet title and the action in mandamus to modern practice.

By the Civil Procedural
Rules Committee

William S. Stickman IV
Chair