

two entirely distinct theories. The latter does not require a promise.' ” Ann Taylor Schwing, *California Affirmative Defenses* § 34:16, at 35 (2d ed. 1996) (quoting *Division of Labor Law Enforcement v. Transpacific Transp. Co.*, 88 Cal. App. 3d 823, 829 (Cal. Ct. App. 1979)).

prosecution-history estoppel. See PROSECUTION-HISTORY ESTOPPEL.

quasi-estoppel. An equitable doctrine preventing one from repudiating an act or assertion if it would harm another who reasonably relied on the act or assertion.

estoppel by conduct. See *equitable estoppel* (1) under ESTOPPEL.

estoppel by contract. See ESTOPPEL.

estoppel by deed. See ESTOPPEL.

estoppel by election. See ESTOPPEL.

estoppel by inaction. See *estoppel by silence* under ESTOPPEL.

estoppel by judgment. See COLLATERAL ESTOPPEL.

estoppel by laches. See ESTOPPEL.

estoppel by negligence. See ESTOPPEL.

estoppel by record. See COLLATERAL ESTOPPEL.

estoppel by representation. See ESTOPPEL.

estoppel by silence. See ESTOPPEL.

estoppel by standing by. See *estoppel by silence* under ESTOPPEL.

estoppel by verdict. See COLLATERAL ESTOPPEL.

estoppel certificate. **1.** A signed statement by a party (such as a tenant or a mortgagee) certifying for another's benefit that certain facts are correct, as that a lease exists, that there are no defaults, and that rent is paid to a certain date. • A party's delivery of this statement estops that party from later claiming a different state of facts. **2.** See WAIVER OF CLAIMS AND DEFENSES.

estoppel in pais (in *pays* or *pay*). See *equitable estoppel* (1) under ESTOPPEL.

estoppel per rem judicatam (*pər* rem *joo*-di-kay-təm). See COLLATERAL ESTOPPEL.

estover (e-stoh-vər). (*usu. pl.*) **1.** Wood that a tenant is allowed to take for fuel, the manufacture or repair of agricultural instruments, and the erection and maintenance of fences and hedges; necessary supplies. See *common of estovers* under COMMON. **2.** The tenant's right to obtain that wood. **3.** ALIMONY.

estoveriis habendis (es-tə-veer-ee-is hæ-ben-dis). [Latin] *Hist.* A writ for a wife who was judicially separated to recover her alimony or estovers.

estrays (e-stray), *n.* **1.** A valuable tame animal found wandering and ownerless; an animal that has escaped from its owner and wanders about. • At common law, an estray belonged to the Crown or to the lord of the manor, but today the general rule is that it passes to the state in trust for the true owner, who may regain it by proving ownership. An animal cannot be an estray when on the range where it was raised and where its owner permits it to run, and esp. when the owner is known to the party who takes the animal. **2.** FLOTSAM.

estreat (e-street), *n.* A copy or duplicate of some original writing or record, esp. of a fine or amercement imposed by a court, extracted from the record, and certified to one who is authorized and required to collect it.

estreat, *vb.* To take out a forfeited recognizance from the recordings of a court and return it to the court to be prosecuted.

estrep (e-streep), *vb.* **1.** To strip; to despoil; to commit waste upon an estate, as by cutting down trees or removing buildings. **2.** To injure the value of a reversionary interest by stripping or spoiling the estate. See WASTE.

estrepement (e-streep-mənt), *n.* A species of aggravated waste, by stripping or devastating land to the injury of the reversioner, esp. pending a suit for possession. See DE ESTREPAMENTO.

et, *conj.* [Latin] *And.* • This conjunction was the introductory word of several Latin and Law French phrases that were once common.

et adjournatur (et əj-ər-nay-tər). [Latin] *Hist.* And it is adjourned. • This phrase was used in the old reports, when argument of a case was adjourned to another day, or where a second argument was had.