

What form of title should I use?

My co-owners and I are not married or registered domestic partners (for example, siblings, business partners, and unmarried couples):

Choose between:	Who can sell or mortgage the property?	If you die:
"as joint tenants" (shares must be equal)	Any owner can give, sell, or mortgage their share without permission; the new owner is automatically a tenant in common	The other owner(s) get your share automatically Probate? No
"as tenants in common" (shares may be unequal)	Any owner can give, sell, or mortgage their share without permission	You can leave your share to someone else Probate? Probably

We are married (or registered domestic partners) and we own the property together:

Choose between:	Who can sell or mortgage the property?	If you die:
"as community property with right of survivorship"	Both spouses must sign off on a gift, sale or refinance	Your spouse gets your share automatically Probate? No
"as community property"	Both spouses must sign off on a gift, sale or refinance	You can choose heirs Probate? Probably

We are married (or registered domestic partners), but the property belongs only to me:

Form of title	Who can sell or mortgage the property?	If you die:
"as a married person as his/her separate property"	You control the property <i>Note:</i> payments or improvements while married may give community a share	Your heirs inherit the property Probate? Probably

I (or we) are putting the property into a living trust:

Form of Title	Who can sell or mortgage the property?	Effect of death
To the trustee, "as trustee of the _____ Trust, dated _____"	The trustee <i>Note:</i> If you refinance, you may need to take the property out of the trust temporarily	Death of trustee: substitute a new trustee Death of trustor: The trustee distributes property per terms of trust Probate? No

Name Changes: Updating Title after Changing Your Name

If you change your name (by court-ordered name change, marriage, or divorce), deeds made out to your old name should be updated. Make out a new grant deed from yourself ([new name], who acquired title under the former name [old name]) as Grantor to yourself ([new name]) as Grantee. For example:

Samples

Grant Deed

This is the name and address the county will send tax statements to. It does not have to be the same as the owner. For instance, it might be sent to a property manager or trustee.

Filling out Documentary Transfer Tax box:
 1: Enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
 2: Enter the amount of City Tax you are paying, or \$0 if no city tax applies. *(No city in Sacramento County imposes this tax; the City of Sacramento collects a different tax, usually via escrow. Contact the City Finance Department with questions.)*
 3: Use full value unless the deed documents a foreclosure trustee sale to the creditor secured by the foreclosed deed of trust
 4: Check "unincorporated" if the address is located in an area that is not formally organized as a city. Check "city" and fill in the appropriate city if not.
 5: If you are claiming an exemption, enter the applicable Cal. Rev. & Tax code in the first line and a brief explanation in the second line. Otherwise leave blank.
 6: Signature: You (or your agent, if any) sign the last line.

A \$75 fee is charged for recording most documents that do not pay DTT. Leave this blank unless you qualify for an exemption.

Find this on the current deed.

Examples of grantors and grantees:
 •Mary Campbell and John Walsh,
 •Than Nguyen, an unmarried woman
 •Bob Roberts, as trustee of the Roberts Family Trust dated Jan. 1, 2010

Legal description: Find this on the current deed. If there is room, you can write or type it here, but it may be too long. If so, use the above phrase, then photocopy, write, or type the description from the last deed on a separate paper. Label it "Exhibit A" and attach it after the signature page.

Sign in front of notary.

Recorder's Use Only

GRANT DEED

1 Documentary Transfer Tax: \$ _____
 City Transfer Tax: \$ _____

2 Computed on full value of property conveyed
 Computed on full value less liens and encumbrances assumed

3 City of _____ Unincorporated

4 If exempt, enter R&T codes: _____
 Explanatory: _____

5 Declaration of Exemption From Gov't Code § 27388.1 Fee
 Transfer is exempt from fee per GC § 27388.1(a)(2)
 recorded concurrently "in connection with" transfer subject to Documentary Transfer Tax
 recorded concurrently "in connection with" a transfer of residential dwelling to an owner-occupier
 Transfer is exempt from fee per GC 27388.1(a)(1):
 Fee cap of \$225.00 reached Not related to real property

6 Assessor's Parcel No. (APN): _____
[Assessor's Parcel No.]

Signature of Declarant or Agent determining tax: _____

For a valuable consideration, receipt of which is hereby acknowledged,
 GRANTOR(S) [Name(s) of person granting property to new owners]
(owners who are signing deed)
 who hold(s) title as [Form of title of person granting property to new owners]
(current owner(s) form of title)
 hereby grant(s) to GRANTEE(S) [Name(s) of new owners – include old owner if staying on title]
(new owners, including current owners if staying on title)
[Name(s) of new owners, if second line needed]
(new owners, continued)
 as [Form of title of new owners]
(new owner(s) form of title)
 the following real property in the City of [city]
 County of [county], California (insert legal description)
[Enter legal description as written on most recent deed. If you prefer, type (or photocopy) the description on a separate page labeled "Exhibit A," attach it, and enter "See Exhibit A" in this space].
 Date: _____

(Signature of declarant)
[Typed or written name]

(Signature of declarant)
[Typed or written name of second signer, if any]
(Print name)

Sample Grant Deed

Quitclaim Deed

Filling out Documentary Transfer Tax box:

- 1: Enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
- 2: Enter the amount of City Tax you are paying, or \$0 if no city tax applies. *(No city in Sacramento County imposes this tax; the City of Sacramento collects a different tax, usually via escrow. Contact the City Finance Department with questions.)*
- 3: Use full value unless the deed documents a foreclosure trustee sale to the creditor secured by the foreclosed deed of trust
- 4: Check "unincorporated" if the address is located in an area that is not formally organized as a city. Check "city" and fill in the appropriate city if not.
- 5: If you are claiming an exemption, enter the applicable Cal. Rev. & Tax code in the first line and a brief explanation in the second line. Otherwise leave blank.
- 6: Signature: You (or your agent, if any) sign the last line.

Recording requested by (name):
[Name(s) of new owner(s)]

When recorded mail to and mail tax statements to:
[Name(s) of new owner(s)]
[Mailing address of new owner(s)]
[Mailing Address City, State, ZIP]

Recorder's Use Only

This is the name and address the county will send tax statements to. It does not have to be the same as the owner. For instance, it might be sent to a property manager or trustee.

QUITCLAIM DEED

- 1 Documentary Transfer Tax: \$ _____
- 2 City Transfer Tax: \$ _____
- 3 Computed on full value of property conveyed
- 3 Computed on full value less liens and encumbrances assumed
- 4 City of _____ Unincorporated
- 5 If exempt, enter R&T code: _____
Explanation: _____
- 6 Signature of Declarant or Agent determining tax: _____

Declaration of Exemption From Gov't Code § 27388.1 Fee

Transfer is exempt from fee per GC § 27388.1(a)(2).

recorded concurrently "in connection with" transfer subject to Documentary Transfer Tax

recorded concurrently "in connection with" a transfer of residential dwelling to an owner-occupier

Transfer is exempt from fee per GC 27388.1(a)(1).

Fee cap of \$225.00 reached Not related to real property

Assessor's Parcel No. (APN):
[Assessor's Parcel No.]

A \$75 fee is charged for recording most documents that do not pay DTT. Leave this blank unless you qualify for an exemption.

Find this on the current deed.

For a valuable consideration, receipt of which is hereby acknowledged,
[Name(s) of person giving up rights]

(Disclaiming Party(ies)) hereby quitclaim(s) to
[Name(s) of person receiving rights]

(Property Owner(s)) the following real property in the City of [city]
County of [county], California (insert legal description)

Examples of grantors and grantees:
•Mary Campbell and John Walsh,
•Than Nguyen, an unmarried woman
•Bob Roberts, as trustee of the Roberts Family Trust dated Jan. 1, 2010

[Enter legal description as written on most recent deed. If you prefer, type (or photocopy) the description on a separate page labeled "Exhibit A," attach it, and enter "See Exhibit A" in this space].

Legal description: Find this on the current deed. If there is room, you can write or type it here, but it may be too long. If so, use the above phrase, then photocopy, write, or type the description from the last deed on a separate paper. Label it "Exhibit A" and attach it after the signature page.

(Signature of declarant)
[Typed or written name]

(Print name)

Sign in front of notary.

(Signature of declarant)

(Print name)

* Only disclaiming person(s) must sign.

Sample Quitclaim Deed

Interspousal Deed

Recording requested by (name)
[Names of owner(s)]

When recorded mail to
and mail tax statements to:
[Names of owner(s)]
[Mailing address of]
[City, state, zip]

Filling out Documentary Transfer Tax box:
1: Enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
2: Enter the amount of City Tax you are paying, or \$0 if no city tax applies. (No city in Sacramento County imposes this tax; the City of Sacramento collects a different tax, usually via escrow. Contact the City Finance Department with questions.)
3: Use full value unless the deed documents a foreclosure trustee sale to the creditor secured by the foreclosed deed of trust
4: Check this box if your exemption is due to a divorce or legal separation.
5: If you are paying \$0 for another reason, put the Cal. Rev. & Tax code exempting, and brief explanation in the 2nd line. Otherwise leave blank.
6: Check "unincorporated" if the address is located in an area that is not formally organized as a city. Check "city" and fill in the appropriate city if not.
7: Signature: You (or your agent, if any) sign the last line.

Recorder's Use Only

INTERSPOUSAL TRANSFER DEED
(Excluded from reappraisal under California Constitution, Article 13A, Section 1, et seq.)

1 & 2 Docu. Trans. Tax: \$ **1** City Trans. Tax: **2**

3 Computed on full value of property conveyed
4 Computed on full value less liens and encumbrances assumed
5 Exempt pursuant to R&T § 11027(a), transferring assets between spouses pursuant to or in contemplation of a court judgment or order
6 Other exemption: R&T Code _____
7 Explanation: _____
 Unincorporated City of _____

Signature of Declarant or Agent determining tax _____

Declaration of Exemption From GC § 27388.1 Fee
 Transfer is exempt from fee per GC § 27388.1(a)(1)
 transfer is subject to Documentary Transfer Tax
 transfer of residential dwelling to owner-occupier
 Transfer is exempt from fee per GC 27388.1(a)(1)
 \$225.00 fee cap Not related to real property

Assessor's Parcel No. (APN):
[Assessor's Parcel Number]

A \$75 fee is charged for recording most documents that do not pay DTT. Leave this blank unless you qualify for an exemption.

This is an interspousal transfer and not a change in ownership under Section 63 of the Revenue and Taxation Code. Grantee has checked the applicable exclusion from reappraisal:

Transfer to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor, or trustee of such a trust to the spouse of the trustor.
 Transfer which takes effect upon the death of a spouse.
 Transfer to a spouse or former spouse in connection with a property settlement agreement or decree of a marriage or legal separation.
 Creation, transfer, or termination, solely between spouses, of any co-owner's interest.
 Distribution of the legal entity in a divorce or legal separation.
 Other: _____

Why so many boxes? This section confirms that your property will not be reassessed because it is a qualifying spousal transfer.

Check when creating separate property interest in grantee spouse: It is the express spouse of the grantee, to convey all right, title and interest of the grantor, community or other described property to the grantee as his/her sole and separate property.

If this deed changes ownership of property that was
• owned by one spouse alone or
• that either spouse spent money on during the marriage (purchase, loan payments, home improvements, etc.),
This confirms you are intentionally changing community property rights, affecting divorce and inheritance.

GRANTOR(S) **[name of spouse(s) giving up rights]**
grant(s) to GRANTEE(S) **[name of receiving spouse(s)]**
[form of title new owner(s) will use] (form of title) the f
the City of **[city name]**, County of **[county name]**
(insert legal description): **See attached exhibit "A."**

Date: _____
(Signature of declarant)
[name of first signer]
(Print name)

Date: _____
(Signature of declarant)
[name of second signer, if any]
(Print name)

Date and sign in front of notary.

Legal description: Find this on the current deed. If there is room, you can write or type it here, but it may be too long. If so, use the above phrase, then photocopy, write, or type the description from the last deed on a separate paper. Label it "Exhibit A" and attach it after the signature page.

Sample Interspousal Transfer Deed