Making Real Estate Changes Official: Recorded Documents

Whenever land changes hands in California, certain documents must be “recorded” with the county. Commonly recorded documents include deeds, liens, homestead forms, affidavits of death of joint tenants or trustees, and other forms related to ownership of property. Documents must follow specific format and content requirements (https://ccr.saccounty.gov/content/ccr/us/en/rules-for-recorded-documents.html#gsc.tab=0) . Many common forms can be downloaded free from the Law Library’s Find-A-Form Page (https://saclaw.org/learn/find-a-form/) .

The county recorder keeps these “title” documents as public records showing ownership of the land. Prospective buyers and lenders search these records to verify property ownership and whether property is subject to any mortgages, liens, or easements.

In Sacramento County, as in many counties, the recorder’s office is combined with the county clerk’s office (https://www.saccounty.gov/#gsc.tab=0) . The office is located at: 3636 American River Drive, Ste. 110, Sacramento CA 95864, and can be phoned at (916) 874-6334.

To locate the Recorder’s Office in other California counties, view this complete list of California County Registrars and Recorders (https://www.cdph.ca.gov/Programs/CHSI/Pages/County-Registrars-and-Recorders.aspx) from the California Department of Public Health.

Sacramento County has an online index of records since 1849 (https://ccr.saccounty.gov/us/en/document-recording/index.html#gsc.tab=0) (showing names and document titles, but not document contents). The documents themselves can be searched and viewed in person. Copies of documents may be ordered from the Recorder’s Office.

A documentary transfer tax (DTT) is required for any recorded document reflecting the sale of real property. (Gifts and other non-sales are exempt.) Payment must be made when the document is recorded. See the Sacramento Clerk/Recorder’s website (https://ccr.saccounty.gov/content/ccr/us/en/faq/faq-documentary-transfer-tax-dtt.html#gsc.tab=0) for more information on this tax.

Documents which are exempt from the DTT may be assessed a $75 fee for the Building Homes and Jobs Act unless specific exemptions (https://ccr.saccounty.gov/content/dam/ccr/documents/SenateBill2_Exemptions.pdf) apply, most notably transfers to owner-occupiers. This means transactions such as mortgage refinances, transfer on death deeds, and some affidavits will pay this additional fee, as will liens and homestead declarations.

Documents making any change to ownership (whether by sale, gift, or other transaction) must always be accompanied by a **Preliminary Change of Ownership Report.** Each county has a different version of this form; Sacramento County's version is available on the Sacramento Assessor's website (https://www.capropeforms.org/forms/sacramento/BOE-502-A/pdf/2025), or in person at the assessor's and recorder's offices.

Transfers of property may result in reassessment under Prop 13, and property taxes may go up significantly as a result. Some transfers are exempt or excluded from the reassessment requirement. To find out if your transfer is exempt and to download claims forms, visit the Sacramento County Assessor's Office page on "Resources for Property Owners." (https://assessor.saccounty.gov/us/en/resources-for-property-owners.html#gsc.tab=0) Other forms may be required as well.

More research

You can find books on real estate in our self-help and general collections at call numbers KFC 140-KFC 170. Books that are particularly helpful on recorded documents include:

Self-help:

Deeds for California Real Estate (KFC 170 .Z9 R36)
This book, published by Nolo Press, a respected publisher of self-help legal books, is a guide to choosing the right kind of deed, completing the required forms, and filing them. It also discusses related legal issues such as disclosure requirements, community property issues, and tax and estate planning. It contains forms for most transfers of property.

Forms books:

Recorders' Document Reference and Indexing Manual (KFC100.R43 .R43). This manual, produced by the County Recorders' Association of California, provides the user with basic document requirements, what can or cannot be recorded, and definitions common to legal documentation and the recording process. Best of all, it provides samples of hundreds of common and

uncommon recordable documents, which can be customized to fit almost any situation.

Law Office Procedures Manual (KFC 77 .L44). This reference manual includes sample filled-out forms for grant deeds, quitclaim deeds, deeds of trust, deeds of full reconveyance, and a Preliminary Change of Ownership form.

California Real Property Practice Forms Manual (KF140 .A65) (Chaps. 7 & 8). Chapter 7 of this book includes language for standard and more unusual deed situations, including life estates, reservation of rights, terminations of long-term leases, agent signatories, and the like. Chapter 8 includes property descriptions for interests such as mineral rights or easements. Forms available on the accompanying CD-ROM.

Real Property Ownership and Taxation (KFC140.5 R435) Chapter 1 of this book, “Forms of Ownership,” contains information on how to take title and samples of various deeds. Chapter 11, “Impact of Death on Ownership and Transfer of Real Property,” discusses the various means of transferring real estate after the death of an owner.

kf May 2022