

COMPLETING AND RECORDING DEEDS

Adding or Changing Names on Property

This Guide includes instructions and sample forms. Copies of this Guide and related forms may be downloaded from: saclaw.org/recording-deeds

BACKGROUND

Any time owners make a change to the title of real estate, they must record a deed with the County Recorder. This Step-by-Step guide outlines the requirements and provides samples with instructions.

California mainly uses two types of deeds: the “grant deed” and the “quitclaim deed.” Most other deeds you will see, such as the common “interspousal transfer deed,” are versions of grant or quitclaim deeds customized for specific circumstances. Since the interspousal deed is so commonly requested, we are including a sample in this guide.

A **grant deed** is used when a person who is on the current deed transfers ownership or adds a name to a deed. The grantor(s) promise that they currently own the property and that there are no hidden liens or mortgages.

A **quitclaim deed** (sometimes misspelled “quick claim”) is used when someone gives up (waives or disclaims) ownership rights in favor of another person. The grantor may or may not be on the current deed. A quitclaim deed is often used in divorces or inheritance situations, when a spouse or heir gives up any potential rights to real estate. The grantor is giving up their *own* rights, if any, but not promising anything else.

An **interspousal deed** is used between spouses or registered domestic partners (“DP”) to change real estate to or from community property. Spouses/DPs can use grant or quitclaim deeds to do the same things, but the interspousal deed makes it clear that the transaction is intended to affect community property rights.

Transfers after Death

This guide does not cover changes due to the death of a property owner. You will need either an Affidavit of Death or a probate order in such cases.

Warning about adding names

If you add a name or sign a quitclaim deed, **the grantee becomes an owner**. You can't change your mind without their signature.

If you are adding them as part of a credit repair or loan deal, **it may be a scam**.

If you are adding an heir, a living trust or [Transfer on Death Deed](#) lets you name them to inherit without giving up control.

Disclaimer: This Guide is intended as general information only. Your case may have factors requiring different procedures or forms. The information and instructions are provided for use in the Sacramento County Superior Court. Please keep in mind that each court may have different requirements. If you need further assistance consult a lawyer.

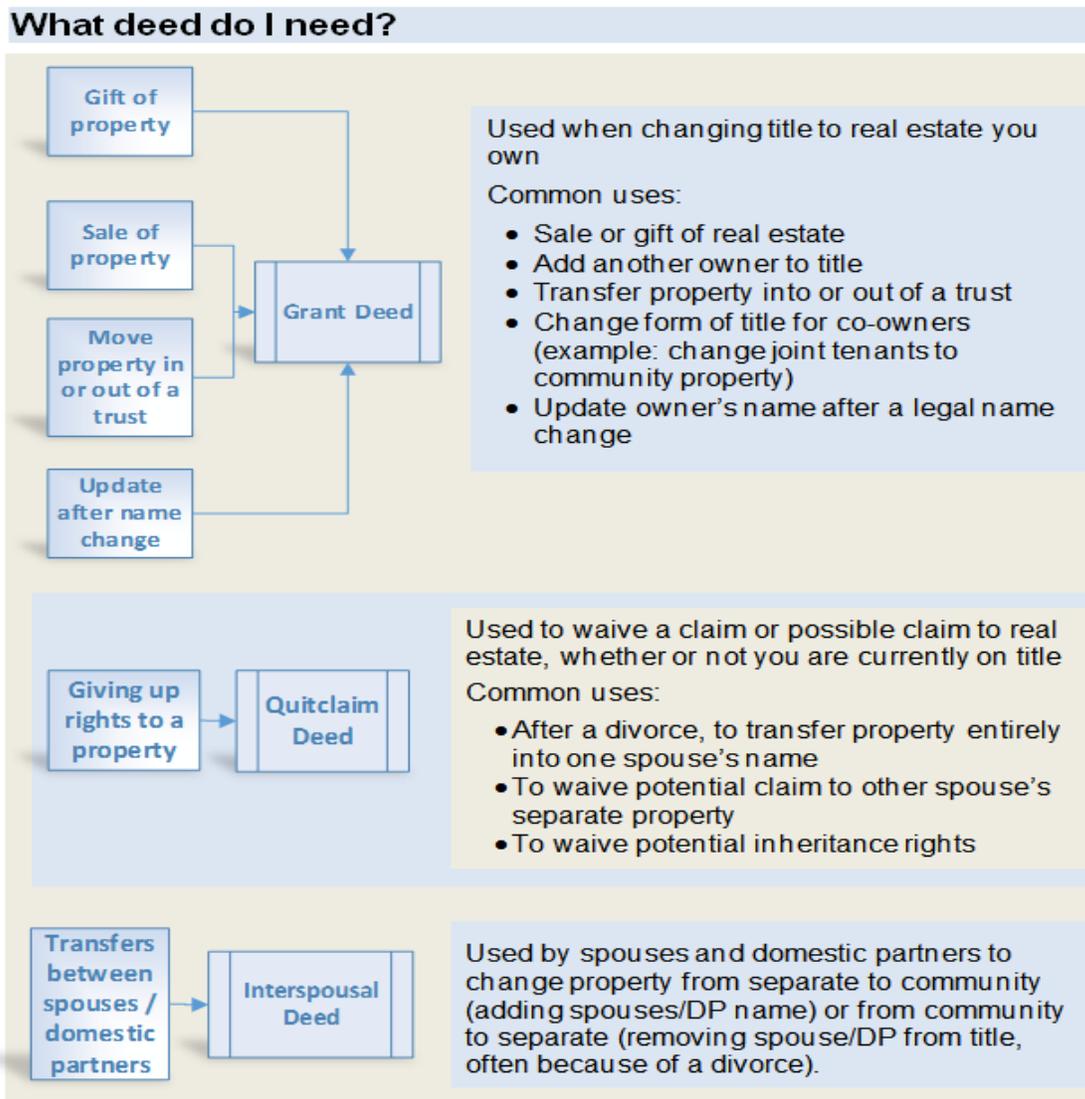
STEP BY STEP INSTRUCTIONS

Step 1: Locate the Current Deed for the Property

You will need information from the current deed. If you need a copy of the current deed, contact the Recorder's Office where the property is located. In Sacramento, call (916) 874-6334.

Step 2: Determine What Type of Deed to Fill Out for Your Situation

To transfer ownership, disclaim ownership, or add someone to title, you will choose between a "[grant deed](#)" and a "[quitclaim deed](#)." Spouses/domestic partners transferring property between each other may choose an "[interspousal deed](#)." Blank deeds are available at saclaw.org/forms.



The deed I need is not on your list! Warranty, joint tenancy, easement, etc.

In a warranty deed, the grantor promises to pay for any lawsuits or damages due to undisclosed ownership disputes. In California, title insurance usually covers such disputes.

Other types of deeds, such as joint tenancy deeds, corporation deeds, easement deeds, or mineral rights deeds, are usually customized grant deeds. You can customize our grant deed format for most of them. Consult an attorney or come to the Law Library to research appropriate wording.

>>[Home](#) >>[Law 101](#)

Step 3: Determine How New Owners Will Take Title

One, unmarried owner: leave blank

If there is only one new owner, and that person is unmarried, title can usually be left blank, although it doesn't hurt to state "a single person" or "a widow" or the like.

If there is more than one new owner, you are moving the real estate into or out of a trust, or the new owner is married, the form of title can have important effects.

More than one owner: owners are not a married couple or registered domestic partners (DP). Ex.: relatives who inherit property together, business partners, couples who are not married/DP.

- "Tenants in common" (When one dies, their heirs get their share; probate may be needed. Shares do not need to be equal. Any owner can sell or mortgage their portion.)
- "Joint tenants" (When one dies, the other gets 100% automatically. Shares must be equal. Any owner can sell or mortgage their portion.)

If you leave this blank, the default is "tenants in common."

But I'm Not a Tenant!

"Tenant in common" and "joint tenant" are just old-fashioned phrases that lawyers still use. In this context they refer to the owners.

For **married couples and registered domestic partners**, if both own the property, the choices are

- "Community property" (Both must agree to sell or mortgage. At death, 50% to surviving spouse/DP, 50% to heirs)
- "Community property with rights of survivorship (WROS)" (Both must agree to sell or mortgage. At death, 100% to surviving spouse/DP.)
- "Joint tenants" (When one dies, the other gets 100%. Shares must be equal. Either spouse/DP can sell their portion. May receive less favorable tax treatment when first spouse/DP dies.)

If you leave this blank, the default is "community property."

There are more advantages and disadvantages to each form of title. Your choice of title can have many effects later, such as when you sell, when one spouse/DP passes away, or if you divorce, including:

- higher property taxes
- higher capital gains taxes
- how the property would be divided in a divorce
- whether the property can be seized or liened for one spouse/DP's separate debts.

If you have questions about which form of title to use, talk to a family or estate lawyer or research your options at the law library.

If only one spouse/DP owns the property (because that person already owned it when they got married or it was a gift or inheritance), they can make that clear by using the phrase "as his or her sole and separate property." Note that if any money earned during the marriage is spent to purchase, make mortgage payments, maintain, or improve the house, the community owns a share regardless of what it says on the deed.

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: payments or improvements while married may give community a share</i>	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: If you refinance, you may need to take the property out of the trust temporarily</i>	Death of trustee: substitute a new trustee Death of trustor: The trustee distributes property per terms of trust Probate? No

>>[Home](#) >>[Law 101](#)

Step 4: Fill Out the New Deed (Do Not Sign)

Filled-out samples of each type of deed are attached at the end of this guide.

The deed should be filled out online, typed, or neatly written in dark blue or black ink. You will need the following information:

- ✓ Assessor’s Parcel Number.
- ✓ Document Transfer Tax amount or exemption code.
- ✓ Names of “grantors” (the current owner(s) signing the deed) or of the disclaiming party(ies).
- ✓ Names of “grantees” (all new and continuing owners).
Important: If you add a name, that person legally becomes an owner. You cannot change your mind without their signature.
- ✓ Form of title the grantees will use (for grant and interspousal deeds).
- ✓ The legal description of the property.

I don’t want this person to be an owner! I just want them to inherit my home, or help their credit rating, or help my credit rating, or...

Here are some common issues while filling out deeds.

Documentary Transfer Tax

When property changes hands, the county charges a one-time tax of \$.55 per \$500 of the value of the real estate (1.1%). Some kinds of transfers are exempt. If yours is exempt, enter the Revenue and Taxation code that provides the exemption, and an explanation, then sign. If yours is not exempt, calculate the dollar amount and write it in.

Adding a person’s name can lead to tax issues, liens on the property for their debts, disputes and delays if one owner wants to sell or mortgage the property, and more.

Common exemption codes and explanations:

- **Gift** (*transferring property, or adding name to property, without compensation*):
Code: “R&T 11911” Explanation: “Gift.”
- **Living Trust** (*transfer into or out of revocable living trust*):
Code: “R&T 11930” Explanation: “Transfer into or out of a trust”
- **Name Change** (*confirming name change after marriage or court-ordered name change*):
Code: “R&T 11925” Explanation: “Confirming change of name, the grantor and grantee are the same party.”
- **Conveyances in dissolution of marriage:**
Code: “R&T 11927” Explanation: “Dissolution of marriage.”

If you are trying to avoid probate, you may want to look into a **living trust** or a **Transfer on Death (TOD) Deed**. See our [TOD Deed guide](#) for more info about that option.

Other exemptions are available. See the list of [“Transfer Tax Exemptions”](#) on the Sacramento Recorder’s website at www.ccr.saccounty.net/Documents/TransferTaxExemptions.pdf.

Note: as of January, 2018, there is an additional \$75 fee on mortgage refinances and other real estate transactions that are exempt from Documentary Transfer Tax. Some exceptions apply. Contact your county recorder’s office to determine the total amount you will need to pay.

>>[Home](#) >>[Law 101](#)

Identifying grantors and grantees

Grantor(s): The current owner or person transferring the property rights or part of the property rights. This is the person or people who will sign this deed.

Grantee(s): List all people who are receiving property rights from the grantor(s). If the grantor is staying on title, be sure to list the grantor’s name as one of the grantees also.

It’s often helpful to include the grantors’ and grantees’ marital status.

Here are common ways to identify grantor(s)/grantee(s):

Unmarried person or people:

[Name(s)], or [Name], an unmarried (or single) man/woman/person

Ex: Jeffery Marcus Kim, Paul George Kim, and Helen Mary Lee or Jill Pham, a single person

Couple who are married or registered domestic partners (DP):

[Name 1] and [Name 2], a married couple or husband and wife or [Name 1] and [Name 2], registered domestic partners

Ex: Pat Orr and Ann Orr, husband and wife or James Robert Smith and Geoffrey Laber, registered domestic partners

One person, who is married or a DP, but signing deed or taking title without spouse/DP:

[Name], a married man/woman/person or a registered domestic partner

Ex: Ann Orr, a married woman or Geoffrey Laber, a registered domestic partner

Trustee:

[Name of trustee] as trustee of the [name and date of trust as written in trust documents]

Ex: Art Li Jr., as trustee of the Arthur Li Senior and June Li Family Trust dated May 1, 2012

Partnership:

[Name on file as fictitious business name, if any] or [names of partners], a partnership

Ex: Elm Street Books, a partnership or Janet Smith and Mark Baker, a partnership

Corporation or LLC:

[Name of corporation], a [state of incorporation] corporation or [Name of LLC], a [state of registration] limited liability company

Ex: Acme, Inc., a California corporation or Acme, LLC, a California Limited Liability Company

Updating deeds after a name change

If you change your name, deeds made out to your old name should be updated. Record a grant deed as follows:

[New Name], formerly known as [Old Name], hereby grants to [New Name]

Ex: Chris Moore changes his name to Chris Jones:

For a valuable consideration, receipt of which is hereby acknowledged,
 GRANTOR(S) Chris Jones, formerly known as Chris Moore
(owners who are signing deed)

(current owner(s) form of title)

hereby grant(s) to GRANTEE(S) Chris Jones
(new owners, including current owners if staying on title)

>>[Home](#) >>[Law 101](#)

Forms of Title for Multiple Owners

When there is more than new one owner, you will need to specify the form of title. It's also helpful if the new owner is a married person or domestic partner. (See Step 3 for more information about the different forms of title.) Here are examples using common title phrases:

- as tenants in common (default for unmarried owners, will be used if line is blank)
- as joint tenants
- as community property (default for married/DP owners, will be used if line is blank)
- as community property with right of survivorship
- as separate, not community property or as sole and separate property (separate property owned by one spouse/DP).

Here are some examples of wording:

<p>For a valuable consideration, receipt of which is hereby acknowledged, GRANTOR(S) <u>Jeffery Mark Kim, Paul George Kim, and Helen Mary Lee</u> <small>(owners who are signing deed)</small></p> <p><u>joint tenants</u> <small>(current owner(s) form of title)</small></p> <p>hereby grant(s) to GRANTEE(S) <u>Ann Orr, a married woman</u> <small>(new owners, including current owners if staying on</small></p> <p>as <u>her sole and separate property</u> <small>(new owner(s) form of title)</small></p> <p>Joint tenants selling to a married woman, who will own it as separate property</p>	<p>For a valuable consideration, receipt of which is hereby acknowledged, GRANTOR(S) <u>Jill Pham, a single woman</u> <small>(owners who are signing deed)</small></p> <p><i>No form of title for one owner</i> <small>(current owner(s) form of title)</small></p> <p>hereby grant(s) to GRANTEE(S) <u>Ann Orr, and Pat Orr, a married couple,</u> <small>(new owners, including current owners if staying on</small></p> <p>as <u>community property with rights of survivorship</u> <small>(new owner(s) form of title)</small></p> <p>Single woman selling to a married couple, who will own it as community property WROS</p>
--	--

For a valuable consideration, receipt of which is hereby acknowledged,

GRANTOR(S) Art Li, Jr., as trustee of the Arthur Li, Sr. Family Trust dated July 1, 2012
(owners who are signing deed)

(current owner(s) form of title)

hereby grant(s) to GRANTEE(S) Art Li Jr. a 50% undivided interest; Peter R. Li, a 25% undivided interest; and Elizabeth K. Li, a 25% undivided interest
(new owners, including current owners if staying on title)

as tenants in common
(new owner(s) form of title)

Distributing property from a trust to the heirs, who can receive unequal shares as tenants in common

Legal Description

This is the full description of the property, not just the address. It may be brief or very long and full of legalese. It must match the current deed **exactly**. You may want to photocopy it and attach it to the new deed as an exhibit, especially if it is too long to fit on the page.

the following real property in the City of Sacramento, County of Sacramento, California (insert legal description):

Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1965, in Book 625, Page 013065.

>>[Home](#) >>[Law 101](#)

Step 5: Grantor(s) Sign in Front of a Notary

The grantees do not need to sign. The notary will charge a fee for this service. You can find notaries at many banks, mailing services, and title companies.

Step 6: Fill Out the Preliminary Change of Ownership Report (PCOR)

The PCOR is required when property changes hands, to update the tax records. Turn it in at the Recorder's Office along with the deed. You can download a [Sacramento version of the PCOR](http://www.capropeforms.org/counties/Sacramento/form/BOE-502-A/) at www.capropeforms.org/counties/Sacramento/form/BOE-502-A/. Each county has its own version; contact the assessor's office in the county where the property is located to obtain the proper form.

Step 7: Record the Deed and File the PCOR at the Recorder's Office

The Recorder's Office charges a recording fee (currently \$21/first page plus \$3 for additional pages). [Current Sacramento fees](#) are available at the County Clerk/Recorder's website at www.ccr.saccounty.net/Pages/Fees.aspx.

Step 8: File Reassessment Exclusion Claim, if any, at the Assessor's Office

When property changes hands, it is reassessed for tax purposes, often causing a sizeable increase in property tax for the new owner.

Certain transfers are excluded from reassessment, including:

- Parent to child or child to parent ("Prop 58" exclusion)
- Grandparent to grandchild (but not vice versa)
- Transfers between spouses or registered domestic partners during marriage or as part of a property settlement or divorce
- Changes in method of holding title that do not change ownership interests (for instance, changing joint tenants into tenants in common)

If your transfer is excluded from reassessment, you may need to file a claim with the County Assessor. For more information in Sacramento, call the Assessor's office (916-875-0750) or visit the [Sacramento Assessor's office website](http://www.assessor.saccounty.net) at www.assessor.saccounty.net.

FOR HELP

Senior Legal Hotline

Toll Free: (800) 222-1753; Sacramento County: (916) 551-2140

www.seniorlegalhotline.org/

Free legal assistance for Sacramento residents age 60 and over on almost any civil issue, including property transfers and deeds.

Voluntary Legal Services Program

Estate Planning for Low Income Individuals

(916) 551-2106

VLSP offers assistance with basic estate planning, including living trusts which can be used to transfer real estate without probate.

>>[Home](#) >>[Law 101](#)

FOR MORE INFORMATION

On the Web:

Sacramento County Clerk-Recorder's Office

www.ccr.saccounty.net/

Sacramento County Assessor's Office

www.assessor.saccounty.net

Nolo.com

["Interspousal Transfers vs Quitclaim Deed"](#)

Self-help information about the differences between these two deeds.

At the Law Library:

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.

Electronic Access: From any computer (Law Library or home) via the Legal Information Reference Center. Instructions are available on our website at saclaw.org/nolo-ebooks.

Miller & Starr California Real Estate Forms [KFC 140 .M53](#)

Sections 1:133-1:137 offer language for grant, interspousal, quitclaim, and easement deeds.

Electronic Access: From Law Library, on Westlaw.

California Real Property Practice Forms Manual [KFC140.A65 C34](#)

A range of sample forms for specific situations such as easements, mineral rights, and more.

IF YOU HAVE QUESTIONS ABOUT THIS GUIDE, OR IF YOU NEED HELP FINDING OR USING THE MATERIALS LISTED, DON'T HESITATE TO ASK A REFERENCE LIBRARIAN.

>>[Home](#) >>[Law 101](#)

ATTACHMENTS: FORMS AND INSTRUCTIONS

Deeds must be in a format that the Sacramento County Clerk/Recorder's Office will accept. Customizable templates may be downloaded from these links:

- [Grant Deed](#)
saclaw.org/wp-content/uploads/form-grant-deed.rtf
- [Quitclaim Deed](#)
saclaw.org/wp-content/uploads/2015/03/form-quitclaim-deed.rtf
- [Interspousal Deed](#)
saclaw.org/wp-content/uploads/form-interspousal-grant-deed.rtf

Sample filled-in forms with instructions are attached on the following pages.

You will also need:

- [PCOR \(Preliminary Change of Ownership Report\)](#)
www.capropeforms.org/counties/Sacramento/form/BOE-502-A/

Download the PCOR from this link or obtain it from the county assessor (they are different in each county). A [sample filled-in Sacramento PCOR with instructions](#) (saclaw.org/wp-content/uploads/PCOR-instructions.pdf) is available on our website.

You may also need reassessment exclusion forms from the assessor's office.

Check with your local assessor's office to determine if you need to file exclusions from reassessment and if so what forms are required. In Sacramento, you can find out about reassessment exclusions and download forms on the Sacramento County Assessor's website at:

- [Change in Ownership Reassessment Exclusions Including Transfers Between Family Members](#)
www.assessor.saccounty.net/ExemptionExclusion/Pages/ExclusionsMoreInfo.aspx

>>Home >>Law 101

Sample Grant Deed with Instructions

Recording requested by (name):

[Name(s) of new owner(s)]

And when recorded, mail this deed and tax statements to (name and address):

[Name(s) of new owner(s)]

[Mailing address of new owner(s)]

[Mailing Address City, State, ZIP]

Find this on the current deed.

Documentary Transfer Tax:

- Line 1: enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
• Line 2: If you are paying \$0, put the Cal. Rev. & Tax code exempting you in the 2nd line. Otherwise leave blank.
• Line 3-4: If you are paying \$0, explain why. Otherwise leave blank.
• Signature: You (or your agent if any) sign the last line.

Gov't Code § 27388.1 (SB 2) Fee

Documents that do not pay Documentary Transfer Tax pay a \$75 SB2 fee. Leave this box blank unless you qualify for an exemption.

GRANT DEED

Assessor's Parcel No. (APN):

[Assessor's Parcel Number]

Documentary Transfer Tax: \$ [1]

If exempt, enter R&T code: [2]

Explanation: [3]

[4]

Signature

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

For a valuable consideration, receipt of which is hereby acknowledged

Examples:

- Mary Campbell and John Walsh, tenants in common
• Than Nguyen, an unmarried woman
• Bob Roberts, as trustee of the Roberts Family Trust dated Jan. 1,

GRANTOR(S) [Name(s) of owner(s) signing deed],

(Owner(s) who are signing deed)

[form of title if needed]

hereby grant(s) to GRANTEE(S) [New owner(s). Include current if staying on title]

(New Owner(s))

as [Form of title, if needed]

Examples: joint tenants; tenants in common; community property; community property with right of survivorship (WROS); as trustee of the [trust name] Trust

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

Find this on the current deed.

Example:

Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1965, in Book 625, Page

[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: [date of signature]

Sign in front of notary.

(Signature of declarant)

[Name of current owner]

(Typed or written name)

Date: [date of signature]

(Signature of declarant)

[Name of second current owner, if needed]

(Typed or written name)

>>Home >>Law 101

Sample Quitclaim Deed with Instructions

Recording requested by (name):

[Name(s) of new owner(s)]

And when recorded, mail this deed and tax statements to (name and address):

[Name(s) of new owner(s)]

[Mailing address of new owner(s)]

[Mailing Address City, State, ZIP]

Find this on the current deed.

Documentary Transfer Tax:

- Line 1: enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
• Line 2: If you are paying \$0, put the Cal. Rev. & Tax code exempting you in the 2nd line. Otherwise leave blank.
• Line 3-4: If you are paying \$0, explain why. Otherwise leave blank.
• Signature: You (or your agent if any) sign the last line.

Gov't Code § 27388.1 (SB 2) Fee

Documents that do not pay Documentary Transfer Tax pay a \$75 SB2 fee. Leave this box blank unless you qualify for an exemption.

QUITCLAIM DEED

Assessor's Parcel No. (APN):

[Assessor's Parcel Number]

Documentary Transfer Tax: \$ [1]
If exempt, enter R&T code: [2]
Explanation: [3]
[4]
Signature
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

For a valuable consideration, receipt of which is hereby acknowledged,

[Name(s) of person giving up rights]

(Disclaiming Party(ies))

Examples:

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

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)

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].

Find this on the current deed.

Example:

Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1965, in Book 625, Page 013065.

Date: [date of signature]

Sign in front of notary.

(Signature of declarant)

[Typed or written name]

(Typed or written name of declarant)

Only disclaiming person(s) must sign.

>>Home >>Law 101

Sample Interspousal Deed with Instructions

Recording requested by (name):

[Name(s) of owner(s)]

And when recorded, mail this deed and tax statements to (name and address):

[Name(s) of owner(s)]

[Mailing address of owner(s)]

[Mailing Address City, State, ZIP]

Documentary Transfer Tax:

- Line 1: enter the amount of Doc. Transfer Tax due, or \$0 if exempt.
• Line 2: If you are paying \$0, put the Cal. Rev. & Tax code exempting you in the 2nd line. Otherwise leave blank.
• Line 3-4: If you are paying \$0, explain why. Otherwise leave blank.
• Signature: You (or your agent if any) sign the last line.

Gov't Code § 27388.1 (SB 2) Fee

Documents that do not pay Documentary Transfer Tax pay a \$75 SB2 fee. Leave this box blank unless you qualify for an exemption.

Find this on the current deed.

INTERPOUSAL TRANSFER DEED

Assessor's Parcel No. (APN):

[Assessor's Parcel Number]

Documentary Transfer Tax: \$ [1]

If exempt, enter R&T code: [2]

Explanation: [3] [4]

Signature

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

There is no consideration for this transfer.

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:

- From joint tenancy to community property;
From one spouse to both spouses;
From one spouse to the other spouse;
From both spouses to one spouse;
Other:

Check the appropriate box. If the community or one spouse/DP is giving up all rights to the other spouse/DP, also check the last box to indicate deliberate waiver of community property rights.

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

GRANTOR [name of spouses/DPs giving up rights] hereby grant(s) to GRANTEE [name of spouses/DPs receiving rights] the following real property in the City of [city name or Unincorporated area], County of [county name], 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].

Find this on the current deed.

Example:

Lot 14 of Blackacre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1965, in Book 625, Page 013065.

Sign in front of notary.

Date: [date of signature]

(Signature of declarant)

[Typed or written name]

(Print name)

Date: [date of signature]

(Signature of declarant)

[Typed or written name]

(Print name)

>>[Home](#) >>[Law 101](#)

PCOR questions

Confusing terms:

- Buyer/Transferee = New owner(s)
- Seller/Transferor=Former owner(s)

The form is set up primarily for sales. If this transaction is a gift or inheritance, some of the language will seem awkward. All sections should be filled out even for gifts.

Part 1: TRANSFER INFORMATION

These options are reasons your transfer may be excluded from reassessment under Prop 13.

Check either “Yes” or “No” for all options. Usually zero or one will apply, and the rest will be “No.”

In some cases, no statement applies (for instance sales, gifts between siblings, etc.) Such transfers will trigger reassessment.

Part 2: OTHER TRANSFER INFORMATION

In Part 2B, only one option should apply.

Part 2C is asking if the owner added someone but did not take themselves off (ex: adding someone as a joint tenant).

Part 3: PURCHASE PRICE AND TERMS OF SALE

Fill this out even if you did not pay a “purchase price.” If this transfer is a gift, put \$0 in 3A and skip to Part 4.

Note: A “gift” means that no money, property, or services changes hands. Swapping property, taking over mortgage payments or bond payments, or adding someone because they agree to live with you as a caretaker are not considered gifts.

If it is a gift, the donor should ask their tax advisor whether they must file a gift tax return this year.

Part 4: PROPERTY INFORMATION

Fill this out even if you did not pay a “purchase price.” Describe the property being transferred, any included personal property (appliances are common), whether there is a manufactured (mobile) home on the property; and whether the property generates rental income.

More Information

A [sample filled-out PCOR](#) can be downloaded on our website (saclaw.org/wp-content/uploads/PCOR-instructions.pdf).

For more information see “[Frequently Asked Questions: Change in Ownership](#).” from the California Board of Equalization (www.boe.ca.gov/proptaxes/faqs/changeinownership.htm)