

COMPLETING AND RECORDING DEEDS

Adding or Changing Names on Property

Solicitar
esta guía
en español

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

FORMS

Deeds must be in a format that the County Recorder's Office will accept. Forms may be downloaded from these links:

- [Grant Deed](#) (PDF)
bit.ly/saclaw-grant-deed
- [Quitclaim Deed](#) (PDF)
bit.ly/saclaw-quitclaim-deed

BACKGROUND

Any time you make a change to the ownership of real estate, you must record a deed with the County Recorder. This Step-by-Step guide outlines the requirements and provides a sample Grant Deed with instructions.

California uses only two types of deeds for ownership changes: the "grant deed" and the "quitclaim deed." You may see deeds called things like "warranty deeds" or "interspousal deeds," but technically they are sub-categories of grant or quitclaim deeds.

The **grant deed** is used when a person who is on the current deed transfers ownership or adds a new owner. The transferor (donor or seller) warrants (promises) that *all* rights to the property are being transferred (there are no hidden owners or easements).

The **quitclaim deed** is used when someone, who may or may not be named on the deed, gives up their interests in favor of another

Warning – Adding Names

Anyone you add onto your deed **immediately becomes an equal co-owner**. You cannot remove them without their signature.

Because they are legal co-owners:

- You need their approval and signatures to sell or refinance the entire property.
- If they get into debt, creditors may put liens on the house, or even foreclose on it.
- They can give away or sell their share. You could end up co-owners with in-laws (or ex-in-laws) or strangers.
- They can mortgage their share. Your home could end up saddled with a home equity loan you didn't agree to.
- Disagreements over control can lead to family rifts and expensive, bitter lawsuits.

In addition,

- Your property taxes may go up.
- Your Medi-Cal benefits may be affected.
- You may have to file a gift tax return this year, and your lifetime gift/estate tax credit may be reduced.
- If you add your heirs, they may eventually pay higher capital gains taxes than if they had inherited the property.
- If you have a mortgage, it may become due if you add an owner, putting you in default. Get written permission from the lender first.

person. The transferors are not warranting anything other than that they are giving up their *own* existing or potential rights. A quitclaim deed is commonly used in divorces, when one spouse gives up any potential community property interest. ***See the “Grant Deed/Quitclaim Deed” chart on page 6 for more information.***

Note: Do not use a “deed of trust” or “trust deed.” A deed of trust is never used to transfer ownership (not even to a trust!). It is used to create a mortgage. For more information on Deeds of Trust, see the Step-by-Step guide on our website at www.saclaw.org/pages/deed-of-trust.aspx.

Step by Step Instructions

STEP 1: LOCATE THE CURRENT DEED FOR THE PROPERTY

You will need to copy the legal description of the property and current ownership information onto the new deed exactly. If you do not have a copy of the current deed, you can purchase one from the Recorder’s Office. In Sacramento, this costs \$1 per page; most deeds are only one page long. You can contact the Sacramento office at (916) 874-6334 or visit one of the office locations (see www.ccr.saccounty.net/ for addresses and more information).

STEP 2: DETERMINE WHAT TYPE OF DEED TO FILL OUT

As discussed above, to transfer ownership or add someone to title, you will choose between a “grant deed” and a “quitclaim deed.” ***See the “Grant Deed/Quitclaim Deed” chart on page 6 for more information.***

STEP 3: DETERMINE HOW THE NEW OWNERS WILL TAKE TITLE

There are several options for how to “take title” to the property. If more than one person is on title, the form has important effects on who can sell the property and who inherits. Common forms are “as joint tenants,” “as community property with right of survivorship” (for married couples or domestic partners), and “as a single man/woman.” ***See the “How to Take Title” chart on page 7 for more information.***

STEP 4: FILL OUT THE NEW DEED (BUT DO NOT SIGN)

The deed should be filled out online, typed, or neatly written in dark blue or black ink. ***See page 4-5 for samples.*** You will need the following information:

- ✓ Assessor’s Parcel Number (from current deed or Assessor’s office).
- ✓ Document Transfer Tax or exemption: Whenever property is sold, this tax is added. Some transfers are exempt. ***See the “Document Transfer Tax” page on page 8 for more information.***
- ✓ Names of “grantors” (current owners as shown on current deed) with form of title, or disclaiming parties.
- ✓ Names of “grantees” (all new **or continuing** owners).
- ✓ Form of title the grantees will use, for grant deed.
- ✓ The legal description of the property. This must match the current deed ***exactly***. You can attach the legal description as an exhibit if it is too long to fit on the page.

A sample completed grant deed with more detailed instructions follows. The quitclaim deed is almost identical, with one less line to fill in (the form of title).

STEP 5: CURRENT OWNERS OR DISCLAIMING PARTIES SIGN THE DEED IN FRONT OF A NOTARY

New owners 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. The Law Library maintains a list of local notaries; ask at the Reference Desk if you are interested.

STEP 6: FILL OUT THE PRELIMINARY CHANGE OF OWNERSHIP REPORT (PCOR)

The PCOR is required by the Assessor's Office, but is turned in at the Recorder's Office along with the deed. Each county creates its own form. You can download a Sacramento copy at bit.ly/PCOR-Sac.

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. The deed will be recorded the same day it is received at the Recorder's Office.

STEP 8: FILE ANY REQUIRED PROPERTY TAX REASSESSMENT EXCLUSION CLAIM IN 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 bit.ly/1mS0KC8.

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.

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/default.htm

At the Law Library:

“Risks of Adding Children to Your Deed” (pamphlet)

Sacramento County Public Law Library

http://www.saclaw.org/uploads/pamph/add_kids_to_deed_pamph.pdf This pamphlet discusses some potential disadvantages and dangers of adding children onto your deed as a method of avoiding probate, including higher taxes and potential debt liability.

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 (Library or home) via the Legal Information Reference Center. Instructions are available on our website at www.saclaw.org/pages/nolo-ebooks.aspx.

<i>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.</i>

Sample for Step 4: Fill Out the New Deed

Recording requested by (name):
Paula Parent

And when recorded, mail this deed and tax statements to (name and address):
**Paula Parent
123 Oak St.
Sacramento, CA 95814**

GRANT DEED

Assessor's Parcel No. **151-0425-005-0000**

DOCUMENTARY TRANSFER TAX \$ **0**
EXEMPTION (R&T CODE) **11911**
EXPLANATION **Gift**
Paula Parent
Signature of Declarant or Agent determining

For a valuable consideration, receipt of which is hereby acknowledged,
Paula Parent, a single woman
(Current Owner(s), including form of title)

hereby grant(s) to **Paula Parent and Dora Daughter**
(New Owner(s))

as **joint tenants**
(An Unmarried Person / Joint Tenants / Tenants in Common / Community Property / Community Property with Right of Survivorship / etc.)

If more than one person will own the property, enter the form of title in which the new owners will hold the property. See Page 6-7 of Guide for more information.

the following real property in the City of **Sacramento**, County of **Sacramento**, California: (insert legal description)
Lot 14 of Black Acre Addition to the City of Sacramento, as delineated on the map of said addition, recorded January 30, 1965, in Book 625, Page 013065

Date: _____
(Signature of declarant)
Paula Parent
(Typed or written name of declarant)

Date: _____
(Signature of declarant)
(Typed or written name of declarant)

State of California
County of _____

On _____
satisfac _____
within _____
his/her _____
instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

NOTARY SEA

Only current owners must sign.
• WAIT TO SIGN – SIGN IN FRONT OF NOTARY

Enter the exact legal description of the property as shown on the current deed.
OR: attach the description on a separate piece of paper labeled "Attachment 1" and type or write "See Description in Attachment 1" in this space.

See Page 8 of Guide for more information.
• In the first line, enter the amount of Doc. Transfer Tax due.
• If you are paying \$0, put the Cal. Rev. & Tax code exempting you in the 2nd line.
• If you are paying \$0, explain briefly in the 3rd and 4th lines.
• You (or your agent if any) sign the last line.

Grant Deed vs. Quitclaim Deed

Grant Deed	Quitclaim Deed
Used when transferring property outright, creating or changing ownership of a co-owned property, or transferring property to or from a trustee.	Used to release a possible claim to land. A quitclaim deed transfers whatever interest a person has in a property, but makes no guarantee about the extent of that person's interest.
Common uses: • Transfer property you own to someone else • Transfer your interest as a co-owner to another co-owner • Change the way co-owners hold title (e.g., from joint tenancy to community property) • Transfer property to or from a trust • Transfer property to a custodian for a minor • Change owner's name upon legal name change (e.g., after marriage or a legal name change)	Common uses: • After a divorce, to transfer property entirely into one spouse's name • Spouse to make clear they have no claim to other spouse's separate property • To settle uncertainty or disputes about claims such as easements or inheritances • To clear a cloud on the title (e.g., a previous owner or previous owner's heir may have claim to part of the property)

Updating a name on a deed

Use language such as: Susan Jones, who acquired title under the former name of Susan Richards

How to hold title

Use language such as:

Darrell Buckner, Len Ryan, and Roberta Fernandez, as tenants in common

Carmen Rivera and Albert Rivera, husband and wife, as community property with right of survivorship

How to Take Title

	Tenants in Common	Joint Tenants	Community Property	Community Property with Right of Survivorship
Requirements...	Deed must transfer property to two or more people. It can say "tenants in common." If the deed does not specify how the property is held, the default is tenants in common.	Deed must transfer property to two or more people. It must say "as joint tenants" or "as joint tenants with right of survivorship"	Deed must transfer the property to a married couple or domestic partners. It must say "as community property" or "as husband and wife."	Deed must transfer the property to a married couple or domestic partners. It must say "as community property with right of survivorship"
Co-owners shares...	May be unequal.	All joint tenants must own equal shares	Each owns half	Each owns half
When a co-owner dies...	Their share of the property passes to their heirs	Their share automatically goes to remaining joint tenants	Their share goes to whoever is named in their will; if no beneficiary is named, it goes to the surviving spouse	Their share automatically goes to the surviving spouse
Probate...	Shares left to non-spouse must go through a formal probate. Simplified procedure available if shares are left to spouse	No probate necessary	Simplified probate procedure	No probate necessary
Future transfers ...	One owner may transfer his shares to anyone	One owner may transfer his share to another person as tenants in common	Both spouses must agree	Both spouses must agree

Common Title Phrases

Updating title after name change:

new name

Janet Smith-Jones, who acquired title under the former name of Janet Smith,
hereby grants to Janet Smith-Jones

prior name

Single person:

David Jones, an unmarried man **or** Janet Smith, an unmarried woman

Married/domestic partner who owns property separate from spouse:

Janet Smith-Jones, a married woman, as separate, not community property

Tenants in common:

Janet Smith and Robert Johnson as tenants in common

Joint tenants:

Janet Smith and Robert Jones as joint tenants with right of survivorship

Married/domestic partners as community property:

Janet Smith-Jones and David Smith-Jones, husband and wife, as community property

or

Janet Smith and Darla Jones, registered domestic partners, as community property

Married/domestic partners as community property with right of survivorship:

Janet Smith-Jones and David Smith-Jones, husband and wife, as community property with right of survivorship

or

Janet Smith and Darla Jones, registered domestic partners, as community property with right of survivorship

Trust:

Janet Smith as trustee of the Janet Smith Family Trust dated July 2, 2012
(exact name and date on trust documents)

Partnership:

Elm Street Books, a partnership (exact name on file as fictitious business name)

or

Janet Smith and Mark Baker, a partnership (names of partners)

Note: in most cases, any partner can sign deeds.

Corporation or LLC:

Elm Street Books, Inc. or Acme Roofers, a California Limited Liability Company (exact name on documents filed with Secretary of State)

Note: For corporations, the board of directors usually must approve real property transactions, and the authorized officer will sign.

For LLCs, the owners (members) must approve real property transactions, and authorize a member to sign.

Document Transfer Tax

A Document Transfer Tax must be paid whenever property is sold. Contact your County Recorder for current rates. In Sacramento County, you can find the current rate at <http://www.ccr.saccounty.net/Pages/FAQ.aspx>.

Exemptions: Many transactions in which no money changes hands qualify for an exemption. The most common exemptions are listed below. Enter the R&T code and explanation in the Documentary Transfer Tax Box.

Gift (*transferring property, or adding someone to property, without compensation*):

Exemption (R&T Code): "R&T 11911"

Explanation: "Gift."

NOTE: "**compensation**" is not always money. For instance, forgiving a loan, trading for other property, or providing services would be considered compensation.

Living Trust (*transfer from grantors into grantors' revocable living trust*):

Exemption (R&T Code): "R&T 11930"

Explanation: "Grantee is a Trust for the benefit of the grantors."

Name Change (*confirming name change after marriage or court-ordered name change*):

Exemption (R&T Code): "R&T 11911"

Explanation: "This conveyance confirms a change of name and the grantor and grantee are the same party."

Conveyances in dissolution of marriage:

Exemption (R&T Code): "R&T 11927"

Explanation: "Dissolution of marriage."

Changing Manner in Which Title is Held (*e.g., transfer between individuals and partnership*):

Exemption (R&T Code): "R&T 11925"

Explanation: "Grantors and grantees are comprised of the same parties and their proportional interest remains the same immediately following transfer."

Mortgages and Liens Exceed Fair Market Value:

Exemption (R&T Code): "R&T 11911"

Explanation: "Liened to full value."

Additional exemptions may be available if these do not apply. See the list of "Transfer Tax Exemptions under Revenue & Taxation Code" handout, available on the website of the Sacramento County Clerk/Recorder Department at www.ccr.saccounty.net/Documents/TransferTaxExemptions.pdf.