



2012 NEW LAW WORKBOOK

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



2012 New Law Workbook

Presented by

County Recorders' Association of California

Legislative Committee

Document Reference Manual Committee

Uniform Practice Committee

**Sacramento, California
December 4-7, 2012**

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2012 Chaptered Bill Analysis

Bill Number:	AB 805
Chapter Number:	180
Author:	Torres
Topic:	Common-interest developments
Impact:	This bill revises and recasts the Davis-Stirling Common Interest Development Act (Davis-Stirling Act). It standardizes language for condominium plans and other common interest developments.
Summary:	This bill, on and after January 1, 2014, will comprehensively reorganize and re-codify the Davis-Stirling Act. That reorganization will group related provisions together, clarify certain sections without changing substantive effect, divide longer sections into shorter sections, and standardize terminology.
Effect:	Adds Part 5 (commencing with Section 4000) and repeals Title 6 (commencing with Section 1350) of Part 4 of Division 2 of the Civil Code, relating to common interest developments.
Actions Required:	None
Presenter:	Portia Sanders, Los Angeles County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	AB 806
Chapter Number:	181
Author:	Torres
Topic:	Common-interest developments
Impact:	This bill, effective January 1, 2014, will make technical conforming changes to the Davis-Stirling Act. It standardizes language for condominium plans and other common interest developments.
Summary:	This bill, effective January 1, 2014, will make technical conforming changes to the Davis-Stirling Act.
Effect:	Amends Sections 10131.01, 10153.2, 10177, 11003, 11003.2, 11004, 11004.5, 11010.10, 11018.1, 11018.12, 11018.6, 11211.7, 11500, 11502, 11504, 11505, 23426.5, and 23428.20 of the Business and Professions Code; amends Sections 51.11, 714, 714.1, 782, 782.5, 783, 783.1, 798.20, 799.10, 800.25, 895, 935, 945, 1098, 1102.6a, 1102.6d, 1133, 1633.3, 1864, 2079.3, 2924b, 2929.5, and 2955.1 of the Civil Code; amends Sections 86, 116.540, 564, 726.5, 729.035, and 736 of the Code of Civil Procedure; amends Sections 12191, 12956.1, 12956.2, 53341.5, 65008, 65915, 65995.5, 66411, 66412, 66424, 66427, 66452.10, 66475.2, and 66477 of the Government Code; amends Sections 1597.531, 13132.7, 19850, 25400.22, 25915.2, 25915.5, 33050, 33435, 33436, 33769, 35811, 37630, 37923, 50955, 51602, and 116048 of the Health and Safety Code; amends Section 790.031 of the Insurance Code; amends Section 2188.6 of the Revenue and Taxation Code; amends Sections 21107.7, 22651, 22651.05, and 22658 of the Vehicle Code; and amends Section 13553 of the Water Code, relating to common interest developments.
Actions Required:	None
Presenter:	Portia Sanders, Los Angeles County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	AB 1599
Chapter Number:	556
Author:	Feuer
Topic:	Mortgages and deeds of trust: foreclosure
Impact:	Provides greater language access for homeowners in the non-judicial foreclosure process.
Summary:	<p>Provides that a mortgagee, trustee, beneficiary, or authorized agent shall provide to the mortgagor or trustor a copy of the recorded notice of default with an attached separate summary document of the notice of default in English, Spanish, Chinese, Tagalog, Vietnamese, and Korean. Same provisions for a notice of sale (copy of the recorded notice of sale with an attached separate summary document of the notice of sale in the 5 languages).</p> <p>Provides that the attached summaries are not required to be recorded but <i>may</i> be recorded and that a document that complies with the above provisions shall not be rejected for recordation on the ground that some part of the document is in a language other than English.</p> <p>Provides that the Department of Corporations (DOC) shall make available standard summary translation in the languages described and shall make those translations available without charge on its Internet Web site.</p> <p>Becomes operative on April 1, 2013, or 90 days following the issuance of the summary translations by the Department of Corporations, whichever occurs later.</p>
Effect:	Amends Section 2924(f), amends and repeals Section 2924, and adds Section 2923.3 to the Civil Code, relating to mortgages.
Actions Required:	Revise pages 54 and 57 of the Recorder's Document and Indexing manual to add the comment "Per Civil Code Section 2923.3, a document that complies with the summaries shall not be rejected for recordation on the ground that some part of the document is in a language other than English".
Presenter:	De Ana M. Thompson, San Bernardino County

Title **NOTICE OF DEFAULT**

Purpose To evidence a trustor's failure to perform his/her obligation under a Deed of Trust

Requirements

1. Name(s) of trustor(s)
2. Recorder's reference to Deed of Trust or description of property
3. Statement and nature of breach of obligation
4. Name and address of beneficiary(ies) or trustee(s)
5. Signature(s) of beneficiary(ies), trustee(s), mortgagee(s) or authorized agents

Fees **Regular**

Legal References CC - 2924, 2923.3(f)

Comments
A document that complies with a *summary* of the notices in 5 specified languages shall not be rejected for recordation on the ground that some part of the document is in a language other than English.

Local Use

Index	Ordinances/Opinions
Grantor = Trustor	
Grantee =	

Title	NOTICE OF TRUSTEE'S SALE (Notice of Sale)
-------	--------------------------------------------------

Purpose	To evidence that a foreclosure sale will be conducted by a trustee in exercise of a power of sale
---------	---------------------------------------------------------------------------------------------------

- | | |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Requirements | <ol style="list-style-type: none">1. Date, time and address of sale2. Description/identification of real property with assessor's parcel number3. Name, address and telephone number of trustee or person conducting the sale4. Street address of the property (if any) or name and address of the beneficiary and statement that directions to subject real property may be obtained by written request5. Amount of unpaid balance and other charges6. Name(s) of defaulting trustor(s)7. Reference to Deed of Trust / Mortgage8. Date of Deed of Trust / Mortgage9. Signature(s) of trustee(s) or beneficiary(ies) |
|--------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

Fees	Regular
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Legal References	CC - 2924(f), 2923.3(f)
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Comments	Acknowledgement not required A document that complies with a <i>summary</i> of the notices in 5 specified languages shall not be rejected for recordation on the ground that some part of the document is in a language other than English.
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Local Use	
Index	Ordinances/Opinions
Grantor = Trustor	
Grantee = Signor	

2012 Chaptered Bill Analysis

Bill Number:	AB 1642
Chapter Number:	94
Author:	Gordon
Topic:	Recordation of documents
Impact:	Adds local ordinances relating to real property as recordable
Summary:	Existing law requires County Recorders to record any document authorized or required by statute or court order, provided the document meets certain standards. This law requires County Recorders to also record any document required or authorized by local ordinance that relates to real property. Additionally, the law revises the Notice of Intent to Preserve an Interest form.
Effect:	Amends Section 880.340 of the Civil Code and Section 27201 of the Government Code, relating to the county recorder.
Actions Required:	Add new Notice of Intent to Preserve an Interest form to DRIM
Presenter:	Jean Pasco, Orange County
Notes:	Revisions to Notice of Intent to Preserve Interest form added to the bill at the request of CRAC.

**PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:**

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

NOTICE OF INTENT TO PRESERVE AN INTEREST IN REAL PROPERTY

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title)

I, _____, as claimant, claim the following described interest in real property _____

The above described interest is claimed based on that certain _____ recorded on _____, 20__ in the office of the County Recorder of _____ County, State of California as instrument No. _____.

The real property upon which the above described interest is claimed is described

as follows:

SAMPLE

I assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and I am informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant.

Signed _____
(Claimant)

Date: _____

(Person acting on behalf of claimant)

Certificate of acknowledgment required

2012 Chaptered Bill Analysis

Bill Number:	AB 1699
Chapter Number:	780
Author:	Torres
Topic:	Affordable housing
Impact:	Authorizes the Department of Housing and Community Development to extend the terms and conditions for an existing loan for affordable housing
Summary:	This bill authorizes the Department of Housing and Community Development to extend the term of an existing department loan, subordinate a department loan to new debt, and authorize an investment of tax credit equity under certain rental housing finance programs, subject to specified conditions. The bill authorizes the department to charge a fee to cover its costs related to extending the term of a loan or for processing the restructuring of a loan.
Effect:	Amends Section 50515.2, add Chapter 3.9 (commencing with Section 50560) to Part 2 of Division 31 of the Health and Safety Code, relating to affordable housing.
Actions Required:	None
Presenter:	Frederick Garcia, Contra Costa County
Notes:	Regulatory Agreement referenced in the bill is the same as the Regulatory Agreement – Low Cost Housing in the DRIM, page 161.

2012 Chaptered Bill Analysis

Bill Number:	AB 2326
Chapter Number:	202
Author:	Wagner
Topic:	Execution of documents
Impact:	Changes notary requirements for obtaining fingerprints
Summary:	<p>Existing law requires a notary public to keep one active sequential journal at a time of all official acts performed as a notary public. Existing law requires a notary public to require a party signing a deed, quitclaim deed, deed of trust affecting real property, or a power of attorney document, if the document is to be notarized, to place his or her fingerprint in the journal, as specified. Under existing law, a notary public that willfully fails to satisfy these requirements is guilty of a crime.</p> <p>This bill would expand those provisions to require a notary public to require a party signing any other document affecting real property to place his or her fingerprint in the journal, if the document is to be notarized.</p> <p>Note: Subscribing witnesses are <u>not allowed</u> “for any instrument affecting real property.”</p>
Effect:	Amends Section 1195 of the Civil Code; amends Section 8206 and amends and repeals Section 27287 of the Government Code, relating to execution of documents.
Actions Required:	Amendments added to the DRIM
Presenter:	Candace Grubbs, Butte County
Notes:	

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS

This section is intended to provide information for the Recordable Document Examiner regarding acknowledgments taken in California and elsewhere. It is the responsibility of the Recordable Document Examiner to determine which documents require an acknowledgment, which require a verification and which require only a signature. The requirement for a document to be acknowledged in order to be recorded is found in Government Code Sections 27287 and 27288. Documents which are exempt from an acknowledgment are described in Government Code Sections 27282 and 27285.

Acknowledgments and verifications may be part of a printed form or may be attached to the document by the person taking the acknowledgment. The laws governing acknowledgment are found in the Civil Code, Chapter 4, Article 3. Most acknowledgments are taken by notaries public that are appointed and governed by the Secretary of State.

1. DEFINITIONS

ACKNOWLEDGMENT – A formal declaration made before an authorized person such as a notary public, by a person who has executed an instrument stating that the execution was his/her act. Authenticates the identity of the signor.

JURAT – The portion of a verification stating when, where and before whom it was sworn.

PROOF - A certification made by a notary public based on the word of a credible witness, such as a proof of subscribing witness or proof of handwriting.

SWORN STATEMENT (VERIFICATION) – A sworn statement before a qualified officer (often a notary public) that the contents of a writing are true.

UNSWORN STATEMENT (VERIFICATION) – A statement by an individual under penalty of perjury that the contents of writing are true.

VENUE – The portion of an acknowledgment or verification that states the place where the acknowledgment or verification was taken.

2. ACKNOWLEDGMENTS TAKEN IN CALIFORNIA (CC-1180-1181)

Any acknowledgment taken within the State of California shall be in the form described in Civil Code Section 1189. The following is an example of that format:

State of California County of
On _____ before me, (here insert the name and title of officer), personally appeared _____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.
I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.
Witness my hand and official seal.
Signature _____ (Seal)

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

a. Who may take and where

U.S. Code Title 10 section 936 article 136

The following persons on active duty or performing inactive-duty training may administer oaths for the purposes of military administration, including military justice

All judge advocates

All summary courts-martial

All adjutants, assistant adjutants, acting adjutants, and personnel adjutants.

All commanding officers of the Navy, Marine Corps, and Coast Guard.

All staff judge advocates and legal officers, and acting or assistant staff judge advocates and legal officers.

All other persons designated by regulations of the armed forces or by statute.

The following persons on active duty or performing inactive-duty training may administer oaths *necessary in the performance of their duties*:

The president, military judge, trial counsel, and assistant trial counsel for all general and special courts-martial.

The president and the counsel for the court of any court of inquiry.

All officers designated to take a deposition.

All persons detailed to conduct an investigation.

All recruiting officers

All other persons designated by regulations of the armed forces or by statute

USC Title 18 Chapter 301 Section 4004

Wardens and superintendents, associate wardens and superintendents, chief clerks, and record clerks, of Federal penal or correctional institutions, of officers, employees and inmates of such institutions.

Military & Veterans Code Section 973

County Veteran Service Officer – *to assist veterans.*

Labor Code Section 92

Labor Commissioner, deputies and agents – *to carry out the provisions of the labor code.*

Civil Code Section 1180

The following may take an acknowledgment any place within the state:

A justice, retired justice, or clerk of the Supreme Court

A justice, retired justice, or clerk of any court of appeal

A judge or retired judge of a superior court, Secretary of the Senate; Chief Clerk of the Assembly;

Civil Code Section 1181

The following may take an acknowledgment any place in the state or any place where the officer was elected or appointed.

Superior Court Clerk (within their county)

County Clerk (within their county)

Court Commissioner- (within the court jurisdiction)

Retired municipal or justice court Judge (within the court jurisdiction)

District attorney (within their county)

Clerk of the Board of Supervisors (within their county)

City Clerk (within their city)

County Counsel (within their county)

City Attorney (within their city)

Secretary of the Senate (within the state)

Chief Clerk of the Assembly (within the state)

Civil Code Section 1182.

The following may take an acknowledgment outside the state but within the United States and within the jurisdiction of the officer.

A Justice, Judge, Clerk of any court of record of the United States.

A Justice, Judge, Clerk of any court or record of any State

A Commissioner appointed by the Governor or Secretary of State for that purpose.

A Notary Public

Any other officer of the state where the acknowledgment is made authorized by its laws to take such proof or acknowledgment.

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

Civil Code Section 1183

The following may take an acknowledgment outside of the country.

A Minister, Commissioner, Charge d’Affaires of the United States, resident and accredited in the country where the proof or acknowledgment is made.

A Consul, Vice Consul, Consular agent of the United States resident in the country where the proof or acknowledgment is made.

A Judge of a court of record of the country where the proof or acknowledgment is made.

Commissioners appointed by the Governor or Secretary of State for that purpose.

A Notary Public, A foreign notary **must be authenticated** by an apostille, proved before a judge, American diplomatic officer, consul general, consul, vice consul, or consular agent.

Apostille website http://hcch.e-vision.nl/index_en.php

b. Signature, seal and reproducibility

The acknowledgment must be signed by the person taking it and in the case of a notary public must bear a seal. The seal must show the name of the notary, the State Seal the words “Notary Public”, the name of the county where the notary’s bond and oath of office are filed and the date the notary’s commission expires. Notary seals issued on or after January 1, 1992 shall contain the identification number assigned to the notary and the identification number assigned to the seal manufacturer. The seal may be circular or rectangular with serrated edges and must be imprinted on the document in a way that makes it reproducible by photograph methods. This is widely interpreted to mean an inked stamp. If a stamped notary seal is not photographable it is acceptable if a statement such as the following is attached. It may be signed by the person presenting the document for recording.

OR

Effective 01/22/2004 (a) A notary acknowledgement shall be deemed complete for recording purposes without a photographically reproducible official seal of the notary

public if the seal, as described in GC 8207, is present and legible, and the name of the notary, the county of the notary’s principal place of business, the notary’s telephone number, the notary’s registration number, and the notary’s commission expiration date are typed or printed in a manner that is photographically

NOTARY SEAL GOVERNMENT CODE SECTION 27361.7	
I certify under penalty of perjury that the notary seal on the document to which this statement is attached reads as follows:	
Name of Notary _____	_____
Date Commission Expires _____	_____
Place of Execution _____	Date _____
Signed _____	_____

reproducible below, or immediately adjacent to, the notary’s signature in the acknowledgement.

3. ACKNOWLEDGMENTS TAKEN IN ANOTHER STATE OR POSSESSION (CC – 1182)

An acknowledgement is acceptable if taken in any other state or possession by any of the following:

- A **Justice, Judge or Clerk** of any court of the United States
- A **Justice, Judge or Clerk** of any court of any state
- A **Commissioner** appointed by the Governor or Secretary of State for that purpose
- Any other **Officer** authorized by any state for that purpose
- Any **Deputy** of any of the above when authorized to appoint deputies

The acknowledgment shall be acceptable if it is taken in accordance with the laws of the place where it is taken. (*Anderson’s Manual for Notaries Public* by Wesley Gilmer, Jr. and *Faerber’s Notary Seal and Certificate Verification Manual* by Chares N. Faerber – National Notary Association)

NOTE: Not all states require that a seal be used by a notary public.

In **Taiwan** an acknowledgment taken by a notary public at the American Institute is the same as if taken in another state or possession.

In **Iran** an acknowledgment taken by the Swiss Consulate is the same as if taken by an American Consulate.

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

4. ACKNOWLEDGMENT TAKEN IN A FOREIGN COUNTRY **(CC – 1183)**

An acknowledgment taken outside of the United States may be taken by any of the following:

A **Minister, Commissioner, Charge d’Affaires, Consul, Vice Consul** or **Consular Agent** of the United States residing in the country where the acknowledgment is taken.

A **Judge** of a court of the country where the acknowledgment is taken.

All **Commissioners** appointed by a Governor or Secretary of State.

A **Notary Public**. (See additional requirements on the following page)

If the acknowledgment is made by a notary public the signature of the notary public must be authenticated in one of the following ways:

By a **Judge** of the court in the county where the acknowledgment was taken.

By an **American Diplomatic Officer, Consul General, Consul, Vice Consul** or **Consular Agent**.

By an Apostille (certification) attached to the document pursuant to the terms of the Hague Convention Abolishing the Requirement of Legalization for Foreign Public Documents.

An Apostille must be in the form of a square with sides at least 9 centimeters long and must contain the information as shown:

APOSTILLE	
(Convention de La Haye du 5 Octobre 1961)	
1. Country:	
This public document	
2. has been signed by	
3. acting in the capacity of	
4. bears the seal/stamp of	
5. at _____	6.
7. by	
8. No.	
9. Seal/Stamp	
10. Signature	

Authentication, by Apostille, is only acceptable if the Apostille originated in a country that has signed the Hague Convention. Contracting countries as of October 2009 are listed below. For a more updated list of contracting countries refer to website: www.hcch.net

1. Click on “Welcome”
2. Click on “Conventions” (left margin in blue)
3. Click on #12 “Convention of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents”
4. Click on “Status table” (right margin)

HAGUE CONVENTION CONTRACTING COUNTRIES

As of October 2009, the following nations have been adhering to the requirements of the Hague Convention:

**ACKNOWLEDGMENTS,
PROOFS AND VERIFICATIONS
(cont.)**

Albania
Andorra
Antigua and Barbuda
Argentina
Armenia
Australia
Austria
Azerbaijan
Bahamas
Barbados
Belarus
Belgium
Belize
Bosnia and Herzegovina
Botswana
Brunei Darussalam
Bulgaria
Cape Verde
China, People's Republic of
 China (Hong Kong)
 China (Macao)
Colombia
Cook Islands
Croatia
Cyprus
Czech Republic
Denmark
Dominica
Dominican Republic
Ecuador
El Salvador
Estonia
Fiji
Finland
France

Georgia
Germany
Greece
Grenada
Honduras
Hungary
Iceland
India
Ireland
Israel
Italy
Japan
Kazakhstan
Korea, Republic of
Latvia
Lesotho
Liberia
Liechtenstein
Lithuania
Luxembourg
Malawi
Malta
Marshall Islands
Mauritius
Mexico
Monaco
Mongolia
Montenegro

Namibia
Netherlands
 Extended to:
 Aruba
 Netherlands Antilles
New Zealand
Niue
Norway
Panama
Poland
Portugal
Republic of Moldova
Romania
Russian Federation
Saint Kitts and Nevis
Saint Lucia
Saint Vincent and the
Grenadines
Samoa
San Marino
Sao Tome and Principe
Serbia
Seychelles
Slovakia
Slovenia
South Africa
Spain
Suriname
Swaziland
Sweden
Switzerland

The Former Yugoslav
Republic of Macedonia
Tonga
Trinidad and Tobago
Turkey
Ukraine
United Kingdom
 Extended to:
 Anguilla
 Bermuda
 British Antarctic Territory
 Cayman Islands
 Falkland Islands
 Gibraltar
 Guernsey, Bailiwick of
 Isle of Man
 Jersey
 Montserrat
 Saint Helena
 Turks and Caicos Islands
 Virgin Islands (British)
USA (50 states)
 Subdivisions:
 American Samoa
 District of Columbia
 (Washington D.C.)
 Guam
 Northern Mariana Islands
 Puerto Rico
 Virgin Islands of the U.S.
Vanuatu
Venezuela

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

State of California)
) ss.
 County of _____) On____(date)_____before me, (name and title of the undersigned officer) , personally appeared (subscribing witness's name) personally known to me (or proved to me on the oath of (credible witness's name) , who is personally known to me, basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument, as a witness thereto, who, being by me duly sworn, deposed and said that he/she was present and saw [name(s) of principal(s)] , the same person(s) described in and whose name(s) is/are subscribed to the within and annexed instrument in his/her/their capacity(ies) as (a) party(ties) thereto, execute the same, and that said affiant subscribed his/her name to the within instrument as a witness at the request of [name(s) of principal(s)] .
 WITNESS my hand and official seal.
 _____(Signature of officer) [Seal]

b. Proof of Handwriting (CC – 1198 – 1200, GC -27290)

In the absence of an acknowledgment a proof of handwriting may be acceptable if it meets the requirement of the Civil Code given above. These requirements include the death or disappearance of the parties and all subscribing witnesses, the concealment or refusal of a subscribing witness, and the testimony of persons acquainted with the signature of the party.

10. VERIFICATION

A verification is a sworn statement before a qualified officer or notary public that the contents of a document are true; or an unsworn statement by an individual under penalty of perjury.

a. Sworn statement (CC 1185, CCP – 179,2093, GC 1225, 8202, 24057, 25100.5, 40814, LBR CODE92)

An oath may be taken anywhere within the State of California by the following:

A Notary Public

- A **Justice, retired Justice or Clerk** of the Supreme Court
- A **Justice, retired Justice of Clerk** of any court of appeal
- A **Justice, retired Justice of Clerk** of a superior court
- An **Executive, Judicial Official or Member of the Legislature**
- A **Labor Commissioner, Deputy or Agent**

An oath may be taken anywhere within the district in which the following public officials are elected or appointed.

- A **Judge, retired Judge or Clerk** of a municipal court
- A **Judge, retired Judge or Clerk** of a justice court
- A **County Officer or Deputy**
- A **Clerk** of the Board of Supervisors in the performance of duties
- A **City Clerk or Deputy** when pertaining to City business

The format for a sworn statement is generally as follows:

State of California}
 County of _____}

The undersigned, being duly sworn says:
 That he/she/they is/are the person(s) signing the above document; that he/she/they has/have read the same, and know(s) the contents thereof, and that the acts stated therein are true.

(Signature of affiant)

Subscribed and sworn to (or affirmed) before me on this __ day of _____, 20__, by _____, personally known to me or proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

_____(Date)

[Seal]

_____(Notary Signature)

The sworn statement is often seen in an abbreviated form that is also acceptable:

2012 Chaptered Bill Analysis

Bill Number:	SB 991
Chapter Number:	63
Author:	Runner
Topic:	Marriage: solemnization
Impact:	Authorizes a county supervisor to solemnize a marriage while holding office.
Summary:	Adds the same instructions to county supervisors as elected mayors, that they obtain and review from the county clerk all available instructions for marriage solemnization before first solemnizing a marriage.
Effect:	Amends Section 400.1 of the Family Code, relating to marriage.
Actions Required:	Educate county supervisors on completing a marriage license for marriage solemnization.
Presenter:	De Ana M. Thompson, San Bernardino County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	SB 1140
Chapter Number:	834
Author:	Leno-Rubio
Topic:	Marriage
Impact:	Allows persons authorized to solemnize a marriage to refuse to perform a ceremony if it is contrary to his or her faith
Summary:	This bill specifies that marriage is a personal relation (civil and not religious) and that a priest, minister, rabbi or authorized person of any religious denomination shall not be required to solemnize a marriage which is contrary to his or her faith. The bill states that any refusal to solemnize a marriage by an individual or by a religious denomination under this provision shall not affect the tax exempt status of any entity.
Effect:	Amends Section 400 of the Family Code, relating to marriage.
Actions Required:	None
Presenter:	David Valenzuela, Ventura County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	SB 1342
Chapter Number:	104
Author:	Emmerson
Topic:	Counties: recording: real estate instruments
Impact:	Possible increases in county district attorney fraud fees
Summary:	<p>This bill increases the highest fee that may be charged on a recording which does not generate documentary transfer tax and is authorized by the board of supervisors, to \$10.00. The additional fee is to fund the Real Estate Fraud Prosecution Trust Fund. A portion of the fee collected may be allocated to the county recorder of support county recorder fraud prevention programs, in addition to an administrative fee of not to exceed 10%. This bill would repeal the specific reporting requirement from county district attorneys to the Legislative Analyst's Office and from the Legislative analyst's Office to the Legislature. The county auditor or director of finance shall distribute funds in the Real Estate Fraud Prosecution Trust Fund to eligible law enforcement agencies within the county, as determined by a Real Estate Fraud Prosecution Trust Fund Committee, to which a detailed report of accounting of funds received and expended in the prior year. The board of supervisors shall annually review the effectiveness of the district attorney in deterring, investigating and prosecuting real estate fraud cases bases on a report submitted by the district attorney.</p>
Effect:	Amends Section 27388 of the Government Code, relating to local government.
Actions Required:	Many, if the fee increase is approved at the county level
Presenter:	Robin January, Placer County
Notes:	It is unclear if the fee increase authorized to be approved locally under the provisions of this bill would require a 2/3rds vote per the text of Proposition 26, passed by California voters in 2010.

2012 Chaptered Bill Analysis

Bill Number:	SB 1474
Chapter Number:	568
Author:	Hancock
Topic:	Grand jury proceedings: Attorney General: powers and duties
Impact:	Allows the Attorney General to convene a statewide grand jury in cases of theft or fraud where the same defendant(s) committed the offenses in multiple counties.
Summary:	<p>Provides that a special grand jury convened pursuant to this bill may be impaneled in the counties of Fresno, Los Angeles, Sacramento, San Diego, or San Francisco, at the Attorney General's (AG) discretion. The AG shall use an existing regularly impaneled criminal grand jury within the period of its regular impanelment to serve as the special statewide grand jury</p> <p>Provides that the AG may issue subpoenas for documents and witnesses located anywhere in the state in order to obtain evidence to present to the special grand jury.</p> <p>The bill contains other court related provisions.</p>
Effect:	Amends Sections 781 and 923 of the Penal Code, relating to grand jury proceedings.
Actions Required:	None
Presenter:	De Ana M. Thompson, San Bernardino County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	SB 1501
Chapter Number:	875
Author:	Kehoe
Topic:	Open-space easements
Impact:	Requires an easement accepted or approved pursuant to existing law to be recorded consistent with the existing indexing system maintained by a county recorder
Summary:	This bill requires an easement accepted or approved pursuant to existing law to be recorded consistent with the existing indexing system maintained by a county recorder. This bill also expands the purposes for which a governing body may approve a grant of an open-space easement and makes other technical, non-substantive changes to provisions regarding open-space easements.
Effect:	Amends Sections 51051, 51053, 51054, 51055, 51059, 51084, and 51087 of, and repeals Section 51052 of the Government Code, relating to local government.
Actions Required:	None – the bill simply clarifies that the recording of an open-space easement be done according to Government Code Section 27255.
Presenter:	Matthew Yankee, Alameda County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	SB 1532
Chapter Number:	494
Author:	Pavley
Topic:	Business filings
Impact:	Specifies address information required on various business entity documents filed with the Secretary of State
Summary:	The new law requires street address to be used on various business filings with the Secretary of State and for entities to provide a mailing address if different from the street address. The new law updates and standardizes current law to prepare for the creation of California Business Connect, slated to automate business and other Secretary of State filings by 2016.
Effect:	Amends Section 2103 of the Code of Civil Procedure; Sections 110, 202, 900, 902, 910, 1505, 2105, 2602, 5008, 5008.6, 5130, 5810, 5812, 5813.5, 5819, 7130, 7810, 7812, 7813.5, 7819, 8810, 9130, 9621, 9913, 12214, 12310, 12500, 12502, 12504, 12510, 12570, 13226, 15901.16, 15902.01, 15909.02, 16303, 16309, 16953, 16959, 17051, 17054, 17060, 17062, 17451, 17454, 17654, and 18200 of Division 3 of Title 1 of the Corporations Code; repeals Part 8 (commencing with Section 14350) and Part 10 (commencing with Section 14450) of Division 3 of Title 1 of the Corporations Code; amends Section 14101 of the Financial Code; and amends Sections 12178.1, 12185, and 12191 of the Government Code, relating to business filings.
Actions Required:	None
Presenter:	Jean Pasco, Orange County
Notes:	

2012 Chaptered Bill Analysis

Bill Number:	SB 1574
Chapter Number:	72
Author:	Committee on Judiciary – Evans (chair)
Topic:	Discovery: electronically stored information
Impact:	Makes changes to the Civil Discovery Act to establish procedures to obtain electronically stored information by subpoena or other means of discovery
Summary:	This bill expands the scope of discovery to include electronically stored information. The bill establishes procedures for a person to obtain discovery of electronically stored information, in addition to documents, tangible things, and land or other property in the possession of any other party to the action. The bill also permits discovery by the means of copying, testing, or sampling, in addition to inspection of documents, tangible things, land or other property, or electronically stored information.
Effect:	Amends Sections 1985, 1985.3, 1985.6, 1985.8, 1987, 1987.1, 1987.2, 2017.010, 2017.020, 2020.020, 2020.220, 2020.410, 2020.510, 2023.030, 2025.220, 2025.280, 2025.410, 2025.420, 2025.450, 2025.460, 2025.480, 2026.010, 2027.010, and 2029.200 of, and amends the heading of Chapter 14 (commencing with Section 2031.010) of Title 4 of Part 4 of the Code of Civil Procedure; adds Section 2019.040 to and repeals Sections 2017.710, 2017.720, 2017.730, and 2017.740 of the Code of Civil Procedure, relating to discovery.
Actions Required:	None
Presenter:	David Valenzuela, Ventura County
Notes:	

2012 Failed Bill Analysis

Bill Number:	AB 1852
Chapter Number:	N/A
Author:	Campos
Topic:	Vital records: fees
Impact:	Would have added \$5 to the cost of certified copies of vital records
Summary:	<p>This bill would have applied the cost increase to certified copies of marriage, birth, death and fetal death records to further fund domestic violence and child abuse programs. This bill passed the Assembly and Senate but was vetoed by Gov. Brown on Sept. 30, 2012. In his veto message, Gov. Brown said domestic violence and abuse programs were “well worth the investment of public funds” but seeking funding this way would place a burden of people of modest means.</p>
Actions Required:	None. This bill was vetoed.
Presenter:	
Notes:	<p>This bill is included in the New Law Workbook due to the significant affect it would have had on County Recorders’ operations in California had it become law.</p>

2012 Failed Bill Analysis

Bill Number:	AB 2299
Chapter Number:	N/A
Author:	Feuer
Topic:	Redaction of names from official records
Impact:	This bill would have authorized the board of supervisors of a county to establish a program that required the names of certain public safety officials to be redacted from any property record of principal residence that is disclosed to the public by that county.
Summary:	According to the L.A. City Attorney, “between 2003 and 2008, federal prosecutors and judges experienced over a 50% increase in the number of threats and communications” received. Supporters of the bill claimed that AB 2299 was necessary because aggrieved parties could use address information obtained from County Recorders’ offices to endanger public safety officials and their families. The County Recorders Association of California in conjunction with the California Land Title Association, California Escrow Association, California Newspaper Publishers Association, California Association of Realtors and others, described to the legislature how members of the public verify land ownership by researching the chain of title over time. If documents were removed from the public record it would undermine the entire land records system and destroy the legal doctrine of constructive notice; the cornerstone to property rights. Furthermore it was argued that the land records system was designed to prevent power over private property by the government, a concept that would have been weakened by AB 2299.
Actions Required:	None. This bill “died” in the Senate Governance and Finance Committee.
Presenter:	Kammi Foote, Inyo County
Notes:	This bill is included in the New Law Workbook due to the significant affect it would have had on County Recorders’ operations in California had it become law.

2012 Failed Bill Analysis

Bill Number:	SB 1002
Chapter Number:	N/A
Author:	Yee
Topic:	Public records: electronic format
Impact:	Would have required the state Chief Information Officer to provide a report to the Legislature on the feasibility of providing public records in a specific electronic format.
Summary:	This bill passed the Assembly and the Senate but was vetoed by Gov. Brown on Sept. 28, 2012. Brown said the role of the Information Officer was to ensure that government uses information technology efficiently and effectively—including providing public records electronically “when possible.” Another legislative report on electronic public records isn’t necessary, he wrote.
Actions Required:	None. This bill was vetoed.
Presenter:	Gina Alcomendras, Santa Clara County
Notes:	This bill is included in the New Law Workbook due to the significant affect it would have had on County Recorders’ operations in California had it become law.



*Miscellaneous **additions**, corrections
and **Amendments** to the Document
Recording and Indexing Manual (DRIM)*

NOTE: All changes to the DRIM include an attached sample.

1. Notice of Cessation – Pg.52

Add Civil Code 8066 to include the agent's capacity to sign.

2. Notice of Completion – Pg.53

Add Civil Code 8066 to include the agent's capacity to sign.

3. Subordination Agreement – Pg.98

Revise recording requirements to include debtor(s) and lessor(s).

4. Affidavit of Estate of not more than \$150,000 – Pg.187

Revise recording requirements to increase amount from \$100,000 to \$150,000.

5. Affidavit of Estate of not more than \$50,000 – Pg.230

Revise recording requirements to increase amount from \$20,000 to \$50,000.

6. Deed in Lieu of Foreclosure – Pg.37

Added note regarding DTT declaration in comments.

7. Certificate of Sale –By Non-Judicial Foreclosure – Pg. 288

Corrected the Legal Reference and added a comment regarding R&T 62.11.

8. Release of Mortgage – Pg.172

Added that this document has to be recorded within 2 business days in Comments Section.

9. Discharge of Deed of Trust by Title Company – Pg.182

Added that this document has to be recorded within 2 business days in Comments Section.

10. Financing Statement –Form UCC 1 – Pg.101

Removed recording requirement 1. (Box 6 should be checked).

11. UCC National Financing Statement Amendment – UCC 3 –Pg.102

Removed recording requirement 1. (Item 1b should be checked) Also clarified the notification requirement under UCC 9520(b).

12. Record of Survey – Pg.111

The legal reference was corrected to B&P 8763 (Form).

13. Reversion to Acreage Map – Pg.119

The recording requirements, the legal references and the comments were corrected.

Title Notice of Cessation

Purpose To evidence that the work on a project has ceased prior to completion

Requirements

1. Name(s) and address of owner(s)
2. Nature of interest or estate of owner (fee, vendee under contract, lessee)
3. Date of cessation of labor
4. Statement that cessation has continued until recording of notice
5. Description/identification of real property
- * 6. Signature of owner(s)/agent(s)
7. Verification

*Only one signature required

Fees Regular

Legal References CC - 8188, 8066 (agent)
CCP - 2003 (oath), 2015.5 (unsworn statement)

Comments Shortens time period for filing of mechanic's liens
May also mean completion of project

Local Use

Index	Ordinances/Opinions
Grantor = Owner Contractor	

Title Notice of Completion

Purpose To evidence that a work of improvement has been completed

Requirements

1. Name(s) and address of owner(s)
2. Nature of the interest of estate of owner (fee, vendee under contract, lessee)
3. Date of work completion
4. Description/identification of real property
- * 5. Signature(s) of owner(s)/agent(s)
6. Verification

*Only one signature required

Fees Regular

Legal References CC - 8182, 8066 (agent)
CCP - 2003 (oath), 2015.5 (unsworn statement)

Comments Shortens time period for filing mechanic's liens if recorded within 10 days of completion date

Local Use

Index	Ordinances/Opinions
Grantor = Owner Contractor	

Title **SUBORDINATION AGREEMENT**

Purpose
To evidence an agreement to permit a security interest in real property to be of lower priority

Requirements

1. Name (s) if owner (s)/ trustor (s) / debtor (s)/ lessor (s)
2. Name (s) of existing beneficiary (ies) / interest holder (s)
3. Recording reference to prior recorded document
4. Description/identification of real property
5. Signature (s) of subordinating beneficiary (ies) / interest holder (s)
6. Signature (s) acknowledged

Fees
Regular

Legal References
C-2934
Govt. 27287 (ack), 27288.1 (names), 27361.6 (rec. ref.)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Owner Trustor/Debtor/Lessor Grantee = Party subordinated to	

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

SUBORDINATION AGREEMENT

NOTICE: THIS SUBORDINATION AGREEMENT RESULTS IN YOUR SECURITY INTEREST IN THE PROPERTY SUBJECT TO AND OF LOWER PRIORITY THAN THE LIEN OF SOME OTHER OR LATER SECURITY INSTRUMENT.

THIS AGREEMENT, made this _____ day of _____, 20____
by _____
owner of the land hereunder described and hereafter referred to as "Owner", _____,
_____, present
owner and holder of the deed of trust and note first hereafter described and hereafter referred to as "Beneficiary",

THAT WHEREAS _____
did execute a deed of trust, dated _____ to _____
_____, as trustee covering:
to secure a note in the sum of \$ **SAMPLE** dated _____
in favor of _____
which deed of trust was recorded in _____ al Records of said county; and

WHEREAS Owner has executed, or is about to execute, a deed of trust and note in the sum of
\$ _____ dated _____ in favor of
_____ hereinafter
referred to as "Lender", payable with interest and upon the terms and conditions described therein, which deed of
trust to record concurrently herewith; and

NOW, THEREFORE, In consideration of the mutual benefits accruing to the parties hereto and other valuable
consideration, the receipt and sufficiency of which consideration is hereby acknowledged, and in order to induce
Lender to make the loan above referred to, it is hereby understood and agreed as follows:

NOTICE: THIS SUBORDINATION AGREEMENT CONTAINS A PROVISION WHICH ALLOWS THE PERSON
OBLIGATED ON YOUR REAL PROPERTY SECURITY TO OBTAIN A LOAN; A PORTION OF WHICH MAY BE OTHER
EXPENDED FOR PURPOSES THAN IMPROVEMENT OF LAND.

Beneficiary (ies)

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title	AFFIDAVIT OF ESTATE OF NOT MORE THAN \$150,000
--------------	-------------------------------------------------------

Purpose	To evidence the transfer of a debt or obligation secured by a lien on real property
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Requirements	<ol style="list-style-type: none">1. Name of decedent2. date and place of death3. Recording reference to instrument creating lien4. Statements regarding value of property and compliance with all requirements*5. Certified copy of death certificate6. Signature of affliane7. Verification8. Signature acknowledged
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Fees	Regular
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Legal References	Probate - 13106.5, 13101(11)(b) & (c) (verification) CCP - 2003 (oath), 2015.5 (sworn statement)
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Comments	Cannot be used to transfer real property * Per Probate - 13101
-----------------	---------------------------------------------------------------------------

Local Use	
Index	Ordinances/Opinions
Grantor = Decedent Affiant	

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

AFFIDAVIT OF ESTATE OF NOT MORE THAN \$150,000

Decedent's name :

Date and place of decedent's death :

At least 40 days have elapsed since the death of the decedent, as shown in a certified copy of the decedent's death certificate attached to this affidavit

No proceeding is now being or has been conducted in California for administration of the decedent's estate.

The gross value of the decedent's real and personal property in California, excluding the property described in Section 13050 of the California Probate Code, does not exceed one hundred fifty thousand dollars (\$150,000).

Property description

SAMPLE

The affiant is the successor of the decedent (as defined in Section 13006 of the California Probate Code) to the decedent's interest in the described property. No other person has a right to the interest of the decedent in the described property. The affiant requests that the described property be paid, delivered, or transferred to the affiant.

Dated: _____

Affiant

Title

AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$50,000 OR LESS)

Purpose

To evidence the claim of a successor's interest in real property of small value (\$50,000 or less) upon the death of an owner

Requirements

1. Name of decedent
2. Name(s) of successor(s)
3. Certified by Clerk of the Court

Fees

Regular

Legal References

Probate - 13202 (indexing), Gov't - 27287 (ack)

Comments

A certified copy from the court clerk may be issued without the attachments

Local Use

Index	Ordinances/Opinions
Grantor= Decedent Grantee= Successor(s) in interest	

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address) After recording return to:
SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME
MATTER OF

THIS SPACE FOR RECORDER'S USE ONLY

(Name):	DECENDANT
AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$50,000 or Less)	

CASE NUMBER:
FOR COURT USE ONLY

AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$50,000 or Less)
 is a form prescribed by the Judicial Council of the State of California

This form may be purchased from the
 Office of the Clerk of the Superior Court or
 Office of the County Clerk / Clerk of the Superior Court



This form may also be available from the following sources:
 Local Legal newspaper services
 Local law libraries
 Judicial Council of the State of California (www.courts.ca.gov)

Title *** DEED IN LIEU OF FORECLOSURE**

Purpose
To evidence the transfer of real property from a defaulting trustor in lieu of foreclosure by the beneficiary/trustee

Requirements

1. Name(s) of Grantor(s)
2. Name(s) of Grantee(s)
3. Description/Identification of real property
4. Special documentary transfer tax declaration
5. Mailing address - tax statements
6. Signature(s) of grantor(s)
7. Signature(s) acknowledged

Fees
Regular
*Possible Documentary Transfer Tax transaction

Legal References
CC - 1092
Govt - 27287 (ack), 27321.5 (tax address)
R & T - 11926 (DTT) *

Comments
Under agreement between parties involved, this document is used to circumvent the lengthy foreclosure process.
* Special Documentary Transfer Tax declaration required

Local Use

Index	Ordinances/Opinions
Grantor = Grantor Grantee = Grantee	

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

MAIL TAX STATEMENTS TO:

THE UNDERSIGNED GRANTOR(S) DECLARE(S):

The grantee herein was the foreclosing beneficiary

The amount of unpaid debt is \$ _____

The amount paid by Grantee is \$ _____

Documentary Transfer Tax is \$ _____

__ Unincorporated Area __ City of _____

DEED IN LIEU OF FORECLOSURE

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged:

hereby GRANT(S) to

the following described real property situated in the City of _____,
County of _____, State of California:

for a fair and adequate consideration, such consideration being full satisfaction of the obligations secured by
Deed of Trust executed by _____ as trustee(s) to _____ as trustee for
_____ as beneficiary, recorded _____ as Document No. _____, Book _____,
Page _____ of Official Records of _____ County, State of California and having a remaining principal
balance of \$ _____.

Dated: _____

Grantor(s)

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title

CERTIFICATE OF SALE- BY NON-JUDICIAL FORECLOSURE

Purpose

To evidence the transfer of real property from a defaulting trustor by the attorney for the trustee or any duly authorized agent

Requirements

1. Name & address of judgment creditor
2. Name & address of judgment debtor
3. Description/identification of property sold
4. Date of sale
5. Price paid for each lot or parcel sold subject to the right of redemption
6. Total price paid
7. Statement that the property is subject to the right of redemption, indicating the applicable redemption period
8. Signature of levying officer, trustee, or duly authorized agent
9. Signature acknowledged

Fees

Regular

Legal References

**CCP-729.040, 701.660, 701.670
Govt-27287 (ack), R&T 62.11***

Comments

*No PCOR Required

Local Use

Index	Ordinances/Opinions
Grantor= Debtor Grantee= Levying officer, trustee, or duly authorized agent	

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

**CERTIFICATE OF FORECLOSURE SALE SUBJECT TO REDEMPTION
(Assessment Lien - Civil Code §1367.4)**

The undersigned trustee declares:

- 1) The successful bidder at foreclosure was the foreclosing homeowner's association.
- 2) The amount of the unpaid dept together with costs was: \$ _____
- 3) The amount paid by the successful bidder at the trustee sale was: \$ _____
- 4) City of _____, County of _____

_____, as the duly appointed Trustee under the Notice of Delinquent Assessment hereinafter described, has sold at public foreclosure auction, subject to redemption, but without covenant or warranty, express or implied to:

_____ (purchaser) all of its right, title and interest in and to that certain property situated in the County of _____, State of California, commonly know as:

_____ and legally described as follows:

RECITALS:

This foreclosure sale is subject to a ninety-day right of redemption from the date of the foreclosure auction and was pursuant to the powers granted to _____ and conferred upon an appointed trustee Trustee by the provisions of the Declaration of _____ and restrictions recorded on _____ as Instrument No. _____ Book _____ Page _____ recorded in the Office of the Recorder of _____ County, State of California...



The name(s) of the owner(s)/Judgment Debtor of the property is/are: _____

Association/Judgment Creditor is: _____

The address of the above -described Association is: _____

Date: _____

Authorized Signature

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title **RELEASE OF MORTGAGE**

Purpose
To evidence the payment, satisfaction or discharge of a debt secured by real property

Requirements

1. Name(s) of mortgagor(s)
2. Name(s) of mortgagee(s)
3. Statement of payment satisfaction or discharge
4. Recording reference to original mortgage
5. Signature(s) of mortgagee(s)
6. Signature(s) acknowledged

Fees
Regular

Legal References
CC - 2939, 2940, 2941(c)*
Govt - 27287 (ack), 27288.1 (names of parties)

Comments
* Within two business days of from the day of receipt, if received in recordable form together with all required fees the county recorder shall stamp and record the full reconveyance or certificate of discharge.

Local Use

Index	Ordinances/Opinions
Grantor = Mortgagee Grantee = Mortgagor	

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

FULL RELEASE OF MORTGAGE

IN CONSIDERATION of the payment of the debt secured by the Mortgage executed by _____
Mortgagors, and recorded as Instrument No. _____ on _____ in _____ as
Book _____, Page _____ of Official records of _____
County, California, the undersigned hereby releases said Mortgage.

Dated: _____

Mortgagee(s)

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title **DISCHARGE OF DEED OF TRUST BY TITLE COMPANY**

Purpose
To evidence the release of obligation under a deed of trust by a title insurance company when the trustee has failed to record a reconveyance within 75 days of the satisfaction of the obligation.

Requirements

1. Name(s) of trustor(s)
2. Name(s) of beneficiary(ies)
3. Recording reference to deed of trust being released
4. Statement that obligation secured by deed of trust has been paid in full
5. Date and amount of payment
6. Signature of title insurance company official
7. Signature acknowledged

Fees
Regular

Legal References
CC - 2941(b)(3), 2941(c)*
Govt - 27287 (ack)

Comments
* Within two business days of from the day of receipt, if received in recordable form together with all required fees the county recorder shall stamp and record the full reconveyance or certificate of discharge.

Local Use

Index	Ordinances/Opinions
Grantor = Title Company Grantee = Trustor	

PLEASE COMPLETE THIS INFORMATION
RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

THIS SPACE FOR RECORDER'S USE ONLY

DISCHARGE OF DEED OF TRUST

On _____, a Deed of Trust was recorded in the office of the County Recorder
of _____ County under Recorder's Series No. _____ at Book _____
Page _____, naming _____
as Trustor _____
as Beneficiary _____
as Trustee _____

On _____ the entire obligation arising from this Deed of Trust in the amount of
was paid in full.

Since that date, _____ calendar days have elapsed and neither the Trustee nor the Beneficiary have
executed and recorded a Reconveyance. Therefore, pursuant to California Civil Code Section 2941(b)(3)
_____ and _____ company has mailed by first class postage
a notice of its intention to release the obligation of the Trustee and Beneficiary named above.

Having complied with the provisions of Section 2941(b)(3) of the California Civil Code, _____ hereby
discharges the obligation of _____, named as Trustor.

Dated: _____

Insurance Company Official

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title	FINANCING STATEMENT - FORM UCC 1
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Purpose	To evidence a security interest in personal property and/or crops, timber, minerals or fixtures
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Requirements	<ol style="list-style-type: none"> 1. Name(s) of debtor(s) and record owner, if different from debtor(s) 2. Name(s) of secured party(ies) 3. Mailing address(es) of debtor(s) 4. Indicate whether the debtor is an individual or an organization 5. If a debtor is an organization, provide: <ol style="list-style-type: none"> a. Type of organization b. Jurisdiction of organization c. Identification number of organization if available or indicate none 6. Sufficient description of real property 7. Mailing address of secured party(ies)
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Fees	Standard National UCC Form - \$10.00 flat fee (1-2 pages); \$20.00 flat fee (3 or more pages) or regular recording fee
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Legal References	UCC 9501 et. seq. 9519 (Indexing), 9516 (rejection), 9601 et. seq. Govt 12194 (fee/form)
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Comments	Notification is required when record is rejected per UCC 9520(b) Accept only National Standard Form Addendum form may be used
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Local Use

Index	Ordinances/Opinions
Grantor = Debtor, Trade Name, Land Owner (if applicable)	
Grantee = Secured Party	

Title	UCC NATIONAL FINANCING STATEMENT AMENDMENT - UCC 3
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Purpose	To evidence the continuation, amendment, assignment, release or termination Financing Statement - UCC 1
---------	---------------------------------------------------------------------------------------------------------

Requirements	<ol style="list-style-type: none"> 1. Name(s) of debtor(s) or property owner(s) if different from debtor(s) 2. Name(s) of secured party(ies) 3. Initial filing information (document number) <p><u>IF ADDING DEBTOR(S)</u></p> <ol style="list-style-type: none"> 4. Additional debtor(s) name(s) 5. Additional debtor(s) mailing address(es) 6. Indicate whether the additional debtor(s) is an individual or organization 7. If a debtor is an organization, provide the: <ol style="list-style-type: none"> a. Type of organization b. Jurisdiction of organization c. Organization identification if available or indicate "none" <p><u>IF ADDING SECURED PARTY(IES)</u></p> <ol style="list-style-type: none"> 8. Additional secured party(ies) name 9. Additional secured party(ies) mailing address <p><u>IF AMENDING OR CORRECTING SECURED PARTY(IES) INTEREST</u></p> <ol style="list-style-type: none"> 10. Name and address of assignee
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Fees	Standard National UCC Form - \$10.00 (1-2 pages); \$20.00 (3 or more pages)
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Legal References	UCC 9501 et. seq; 9516 (Rejection), 9516 (Indexing) Govt 12194 (Fee/Form)
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Comments	<p>Original/Initial record must be cross referenced per UCC 9519(c)(1)</p> <p>Notification required (UCC 9520(b) when record is rejected pursuant to UCC 9516(b)</p> <p>Amendment addendum form may be attached</p>
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Local Use

Index	Ordinances/Opinions
Grantor = See indexing instructions for appropriate indexing of various UCC-3 types	

Title	RECORD OF SURVEY
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Purpose	To delineate the survey of real property boundary lines
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Requirements	<p>Drawing and certificates must be legible and in permanent black ink</p> <ol style="list-style-type: none"> 1. ink or printed or reproduced, using permanent black ink on tracing paper or polyester base film 2. 18" x 26" in size with minimum 1" margin 3. Name of grant, tract, subdivision, US subdivision/survey number 4. Certificate of approval signed and sealed by County Surveyor 5. Certificate of Recorder
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Fees	Map filing fee
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Legal References	<p>B & P - 8762, 8770 (indexing), 8764.5 (surveyor's cert.), 8769 (fee) B & P 8763 (form)</p>
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Comments	Owner's name may or may not appear on map
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Local Use

	Index	Ordinances/Opinions
Grantor =	Owner (if given) Grant/Tract/Lot & Block/ Govt Survey	

RECORD OF SURVEY NO. 09-008

1 SHEET ONLY

IN THE COUNTY OF INYO, STATE OF CALIFORNIA, WITHIN THE INCORPORATED CITY OF BISHOP, BEING A SURVEY OF THE SOUTH LINE OF LOT 1, BLOCK O.E. OF THE JOHN B. CLARKE ADDITION TO THE CITY OF BISHOP, AS PER MAP RECORDED IN BOOK 1, PAGE 8 OF MAPS IN THE OFFICE OF THE INYO COUNTY RECORDER AND BEING A PORTION OF THE NW 1/4 NE 1/4 SECTION 7, T.7 S., R.33E., M.D.B.&M.

SURVEYOR'S STATEMENT:

THIS MAP CORRECTLY REPRESENTS A SURVEY MADE BY ME OR UNDER MY DIRECTION IN CONFORMANCE WITH THE REQUIREMENTS OF THE PROFESSIONAL LAND SURVEYOR'S ACT AT THE REQUEST OF RANDY GILLESPIE IN AUGUST, 2008.

Randy Gillespie 6/26/12
 RANDY GILLESPIE DATE
 L.S. No. 8027



PURPOSE OF SURVEY:

THE REASON FOR THIS RECORD OF SURVEY IS AS SET FORTH IN THE PROFESSIONAL LAND SURVEYOR'S ACT, ARTICLE 3, § 8102(3)(D) MATERIAL EVIDENCE OR PHYSICAL CHANGE, WHICH IN WHOLE OR IN PART DOES NOT APPEAR ON ANY SUBDIVISION MAP, OFFICIAL MAP, OR RECORD OF SURVEY PREVIOUSLY RECORDED OR PROPERLY FILED IN THE OFFICE OF THE COUNTY RECORDER OR COUNTY SURVEYING DEPARTMENT, OR MAP OR SURVEY RECORD MAINTAINED BY THE BUREAU OF LAND MANAGEMENT OF THE UNITED STATES.

RECORDER'S STATEMENT:

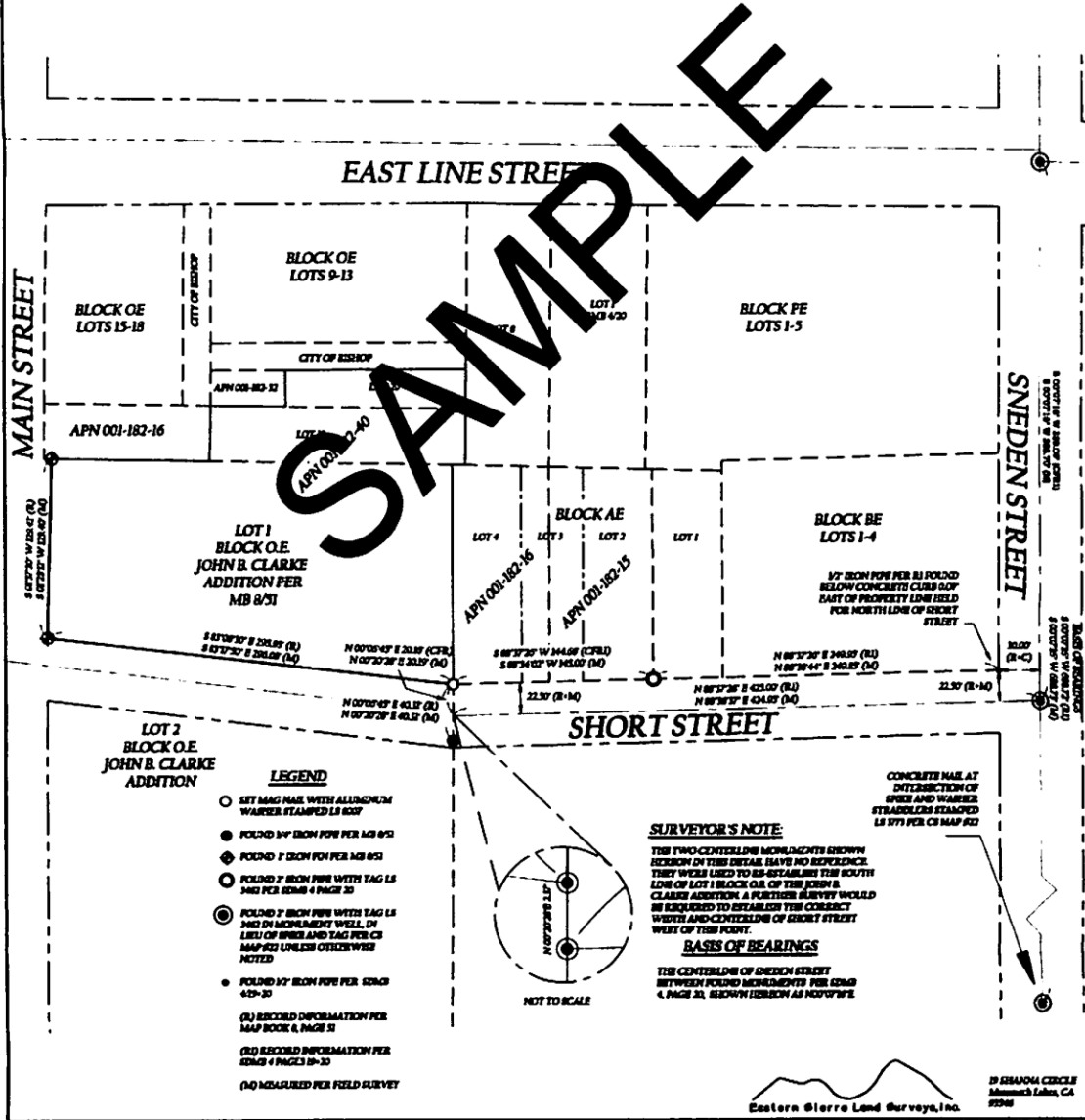
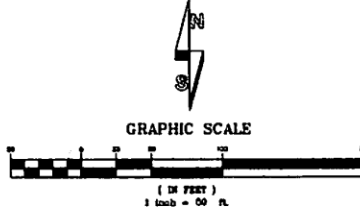
DEPARTMENT NO.: 2013-00016-08
 FILED THIS 29 DAY OF June, 2012,
 AT 1:25 PM IN BOOK 1 OF RECORD OF SURVEY MAPS AT PAGE 8, AT THE REQUEST OF RANDY GILLESPIE.

KATHI FOOTE
 INYO COUNTY RECORDER
Kathi Foote
 DEPUTY COUNTY RECORDER

COUNTY SURVEYOR'S STATEMENT:

THIS MAP HAS BEEN EXAMINED IN ACCORDANCE WITH SECTION 8160 OF THE PROFESSIONAL LAND SURVEYOR'S ACT THIS 12th DAY OF June, 2012.

COUNTY SURVEYOR
Donna Clark
 DONNA CLARK
 L.S. No. 3020



- LEGEND**
- SET MAG NAIL WITH ALLIUMSOLM WAIVER STAMPED LS 8027
 - FOUND 1/4" IRON PIN PER MB 8/21
 - FOUND 1" IRON PIN PER MB 8/21
 - FOUND 2" IRON PIN WITH TAG LS 1461 PER S&M 4 PAGE 23
 - FOUND 2" IRON PIN WITH TAG LS 1461 PER S&M 4 PAGE 23
 - FOUND 1/2" IRON PIPE PER S&M 4/29-30
 - (R) RECORDED INFORMATION PER MAP BOOK 6, PAGE 21
 - (L) RECORDED INFORMATION PER S&M 4 PAGES 19-20
 - (M) MEASURED PER FIELD SURVEY

SURVEYOR'S NOTE:
 THE TWO-CENTERLINE MONUMENTS BROWN SECTION ON THIS DEGREE HAVE NO REFERENCE THEY WERE USED TO RE-ESTABLISH THE SOUTH LINE OF LOT 1 BLOCK O.E. OF THE JOHN B. CLARKE ADDITION A FURTHER SURVEY WOULD BE REQUIRED TO RE-ESTABLISH THE CORRECT WIDTH AND-CENTERLINE OF SHORT STREET WEST OF THIS POINT.

BASIS OF BEARINGS
 THE CENTERLINE OF SNEDEN STREET BETWEEN FOUND MONUMENTS PER S&M 4, PAGE 20, IS BROWN SECTION AS NOTED/RE

CONCRETE NAIL AT INTERSECTION OF SNEDEN AND WAIVER STRADDLES STAMPED LS 1771 PER CS MAP #22

BOOK 1 OF RECORD OF SURVEY MAPS AT PAGE 37

Title	REVERSION TO ACREAGE MAP***
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Purpose	To delineate the boundaries of property reverting from subdivided parcels to a single parcel or being subdivided into new parcels
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Requirements	<p>Drawing and certificates must be legible and in permanent black</p> <ol style="list-style-type: none"> 1. ink or printed or reproduced, using permanent black ink on tracing paper or polyester base film 2. 18" x 26" in size with minimum 1" margin 3. Evidence of ownership (Title Guarantee) 4. Certificate of owner(s) / signature(s) of owner(s)* 5. Certificate of approval signed and sealed by City Engineer or County Surveyor 6. Certificate of Recorder Certificate by Clerk of Board/City 7. Clerk 8. Signature(s) acknowledged **
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Fees	Map filing fee
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Legal References	<p>Govt 66499.18 (authority), 66434 (form), 66464-66468 (evidence of ownership) (cert. of recorder) 66436 (c) (notary seal), 66468.1 (cross-reference separate document)</p> <p>Note: Govt 66499.20 -1/4 - authority if Board of Supervisors has adopted an Ordinance to record in Parcel Maps. ****</p>
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Comments	<p>*May be on map or by separate certificate</p> <p>** typed/printed notary's name, county and expiration date may appear in lieu of notary seal</p> <p>***A court ordered new map may be recorded pursuant to GC 66499.20 which revises the boundaries of a recorded map. This is accompanied by a certified copy of the decree from Superior Court.</p> <p>****Record in Subdivision Maps or Reversion to Acreage Maps unless Ordinance on File</p>
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Local Use

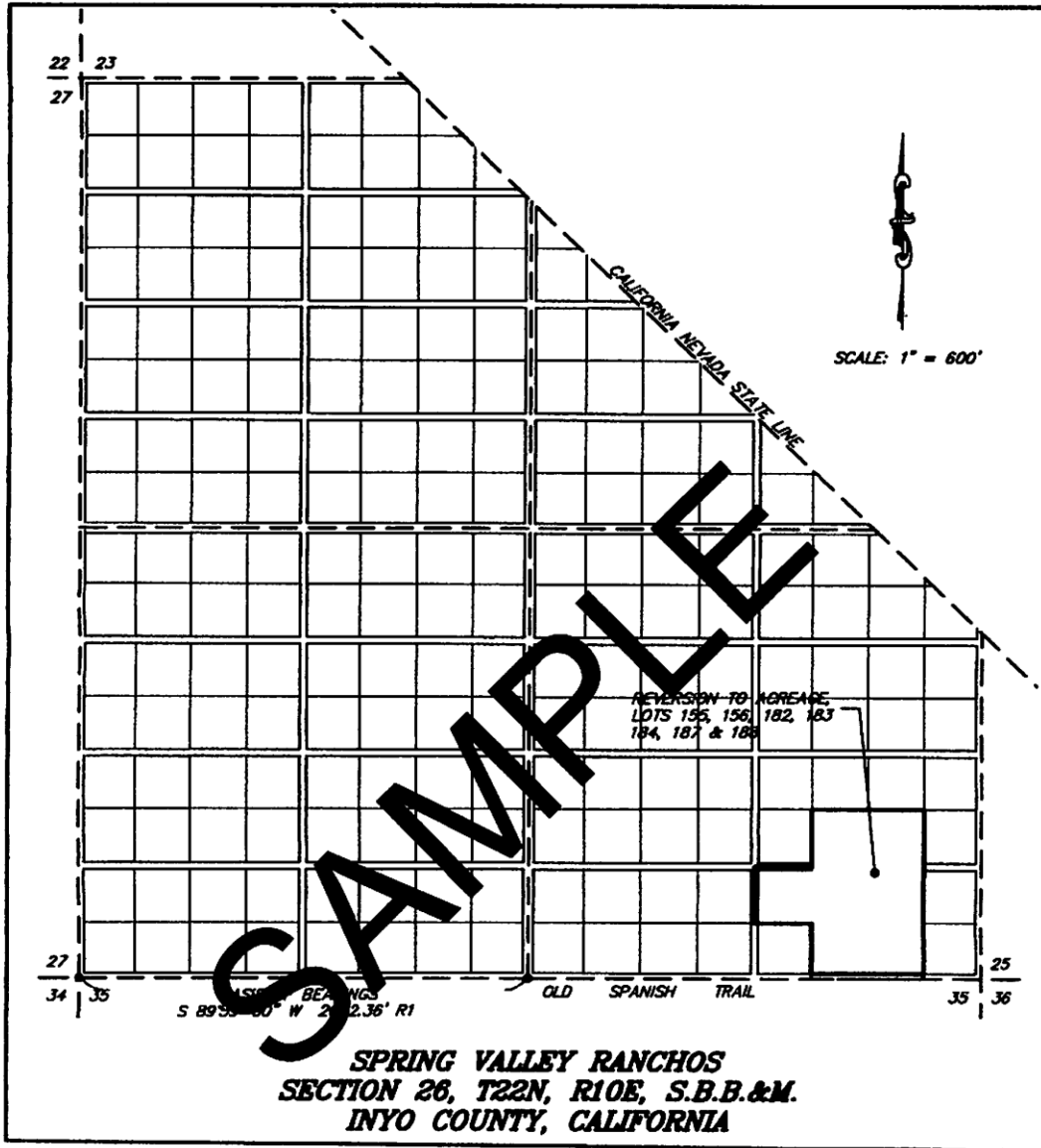
Index	Ordinances/Opinions
Grantor = Owner Subdivision	

T 153

T 154

T 185

T 186



REVERSION TO ACREAGE
NO. 2011-01

IN THE UNINCORPORATED TERRITORY OF INYO COUNTY

BEING A REVERSION TO ACREAGE OF LOTS
155, 156, 182, 183, 184, 187 AND 188 OF SPRING VALLEY
RANCHOS AS SHOWN ON RECORD OF SURVEY RECORDED IN
MAP BOOK 7, PAGE 37, IN THE OFFICE OF THE COUNTY
RECORDER OF SAID COUNTY AND SAID SURVEY ALSO BEING
LOCATED IN SECTION 26, TOWNSHIP 22 NORTH, RANGE 10
EAST, SAN BERNARDINO BASE AND MERIDIAN, CALIFORNIA.

GROSS AREA: 17.05± ACRES

BASIS OF BEARINGS

THE BASIS OF BEARING FOR THIS SURVEY IS
BETWEEN FOUND GLO MONUMENTS AT THE
SOUTHWEST CORNER OF SECTION 26 AND THE
SOUTH QUARTER CORNER OF SECTION 26 AS
ESTABLISHED PER THE OFFICIAL GOVERNMENT
PLAT FOR THE INDEPENDENT RESURVEY AND
SURVEY OF FRACTIONAL TOWNSHIP 22 NORTH,
RANGE 10 EAST, SAN BERNARDINO MERIDIAN
AND SHOWN HEREON AS S 89°59' W.

**COUNTY RECORDERS ASSOCIATION
OF CALIFORNIA (CRAC)**

**2013-14 LEGISLATIVE SESSION
LEGISLATIVE PROPOSAL**

Submitted by: Kammi Foote

County: INYO

Address: PO Drawer F
Independence, CA 93526

Phone: (760)878-0224

eMail: kfoote@inyocounty.us

Amend Code section(s): Civil Code 1188 & Civil Code 1195 (c)

What does this proposal do? This proposal would clarify that there are single form certificates prescribed by statute for acknowledgments taken in the state of California by removing conflicting language left in statute after amendments were made in 2005.

What problem(s) will this proposal resolve? Currently, there is a conflict in the law between California Civil Code Sections 1188 & 1189. Prior to January 1, 2006, the law required only that the certificate of acknowledgement form comply “substantially” with the applicable statutory form as prescribed in Civil Code 1189. Generally if the statutory requirements were met, the certificate was not invalid merely because the exact language was not used in the certificate. However, Civil Code Section 1189 was amended by Stats 2005, ch 295 (AB 361) prescribing that the specific statutory form be utilized by removing the word “substantially”:

“Section 1189 of the Civil Code is amended to read:

1189. (a) Any certificate of acknowledgment taken within this state shall be in ~~substantially~~ the following form:...”

When this change was made, it created a conflict in the law where Civil Code Section 1188 currently states:

“An officer taking the acknowledgment of an instrument shall endorse thereon or attach thereto a certificate substantially in the form prescribed in Section 1189.”

Also, for the sake of consistency, there is another code section left in statute that warrants legislative clean-up; Civil Code 1195 (c):

(c) Any certificate for proof of execution taken within this state may be in the following form, although the use of other, substantially similar forms is not precluded:

By standardizing the language in a Civil Code Sections 1188 and 1195 (c) to conform to the requirements of the remainder of the statutes, it would remove the existing conflicts and clarify that there are single form certificates prescribed by statute for acknowledgments taken in the state of California.

How will this proposal affect the agency and the public? This proposal would have no foreseeable negative impacts on the agency or the public. This would merely remedy the current conflicting language in the law and make clear that certificates of acknowledgment must be in the exact forms prescribed in California statute.

Are there any other related Code sections that will be affected?

Yes. Provide them:

No

Will this proposal save/increase costs? Explain and give estimates: There would be no foreseeable fiscal impact.

What other agencies be affected by this proposal? None

Who will support this proposal? Why? The County Recorders of Association of California and the National Notary Association will support this proposal because it will resolve the current conflicting language in the law and make clear that certificates of acknowledgment must be in the exact forms prescribed in California statute.

Who will oppose this proposal? Why? Unknown

Draft Language: (attached additional pages if necessary)

California Civil Code:

1188. An officer taking the acknowledgment of an instrument shall endorse thereon or attach thereto a certificate ~~substantially in the form prescribed in~~ **pursuant to** Section 1189.

1195. (c) Any certificate for proof of execution taken within this state ~~may~~ **shall** be in the following form ~~, although the use of other, substantially similar forms is not precluded:~~

State of California) ss.
County of _____)

On ____ (date), before me, ~~the undersigned, a notary public for the state~~ (here insert name and title of the officer), personally appeared ____ (name of subscribing witness), proved to me to be the person whose name is subscribed to the within instrument, as a witness thereto, on the oath of ____ (name of credible witness), a credible witness who is known to me and provided a satisfactory identifying document. ____ (name of subscribing

witness), being by me duly sworn, said that he/she was present and saw/heard ____ (name(s) of principal(s)), the same person(s) described in and whose name(s) is/are subscribed to the within or attached instrument in his/her/their authorized capacity(ies) as (a) party(ies) thereto, execute or acknowledge executing the same, and that said affiant subscribed his/her name to the within or attached instrument as a witness at the request of ____ (name(s) of principal(s)).

WITNESS my hand and official seal.

Signature _____ (~~Notary public seal~~ Seal)

**COUNTY RECORDERS ASSOCIATION
OF CALIFORNIA (CRAC)**

**2013-14 LEGISLATIVE SESSION
LEGISLATIVE PROPOSAL**

Submitted by: Portia Sanders

County: Los Angeles

Address: 12400 Imperial Highway
Room 5001A
Norwalk, CA 9071

Phone: (562) 462-2081

eMail:
pdsander@rrcc.lacounty.gov

Amend Code section(s): Health and Safety 103526(a)

What does this proposal do? Adds scanned images to the acceptable forms of request for vital records.

What problem(s) will this proposal resolve? Faxes are becoming obsolete and most people have scanners to send over their information. The law as written does not allow for scanned images.

How will this proposal affect the agency and the public? It will be helpful to the public because they will not have to pay for fax services. It is helpful to the agencies because scanned images are often times easier to read than faxed images.

Are there any other related Code sections that will be affected?

Yes. Provide them:

No.

Will this proposal save/increase costs? Explain and give estimates:
This should be cost neutral.

What other agencies would be affected by this proposal?

County Health Departments and the California Department of Public Health

Who will support this proposal? Why?

N/A

Who will oppose this proposal? Why?

N/A

Draft language:

103526. (a) If the State Registrar, local registrar, or county recorder receives a **written, faxed or digitally scanned** request for a certified copy of a birth, death, or marriage record pursuant to Section 103525, or a military service record pursuant to Section 6107 of the Government Code, that is accompanied by a notarized statement sworn under penalty of perjury, or a faxed **or digitally scanned** copy of a notarized statement sworn under penalty of perjury, that the requester is an authorized person, as defined in this section, that official may furnish a certified copy to the applicant in accordance with Section 103525 and in accordance with Section 6107 of the Government Code. If a written request for a certified copy of a military service record is submitted to a county recorder by fax **or digital scan**, the county recorder may furnish a certified copy of the military record to the applicant in accordance with Section 103525. A faxed notary acknowledgment accompanying a faxed **or digitally scanned** request received pursuant to this subdivision for a certified copy of a birth, death, or marriage record or a military service record shall be legible and, if the notary's seal is not photographically reproducible, show the name of the notary, the county of the notary's principal place of business, the notary's telephone number, the notary's registration number, and the notary's commission expiration date typed or printed in a manner that is photographically reproducible below, or immediately adjacent to, the notary's signature in the acknowledgment. If a request for a certified copy of a birth, death, or marriage record is made in person, the official shall take a statement sworn under penalty of perjury that the requester is signing his or her own legal name and is an authorized person, and that official may then furnish a certified copy to the applicant.

(b) (1) If the person requesting a certified copy of a birth, death, or nonconfidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the certified copy provided to the applicant shall be an informational certified copy and shall display a legend that states "INFORMATIONAL, NOT A VALID DOCUMENT TO ESTABLISH IDENTITY." The legend shall be placed on the certificate in a manner that will not conceal information.

(2) If the person requesting a certified copy of a confidential marriage record is not an authorized person or is an authorized person who is otherwise unable to satisfy the requirements of subdivision (a), the official shall not release a certified copy of the confidential marriage record unless otherwise authorized by law.

(c) For purposes of this section, an "authorized person" means:

(1) For purposes of requests for certified copies of confidential marriage records, only a party to the confidential marriage.

(2) For purposes of requests for certified copies of birth, death, or nonconfidential marriage records, a person who is any of the following:

(A) The registrant or a parent or legal guardian of the registrant.

(B) A party entitled to receive the record as a result of a court order, or an attorney or a licensed adoption agency seeking the birth record in order to comply with the requirements of Section 3140 or 7603 of the Family Code.

(C) A member of a law enforcement agency or a representative of another governmental agency, as provided by law, who is conducting official business.

(D) A child, grandparent, grandchild, sibling, spouse, or domestic partner of the registrant.

(E) An attorney representing the registrant or the registrant's estate, or any person or agency empowered by statute or appointed by a court to act on behalf of the registrant or the registrant's estate.

(F) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders certified copies of a death certificate on behalf of any individual specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100.

(d) A person who asks the agent or employee of a funeral establishment to request a death certificate on his or her behalf warrants the truthfulness of his or her relationship to the decedent, and is personally liable for all damages occasioned by, or resulting from, a breach of that warranty.

(e) Notwithstanding any other law:

(1) A member of a law enforcement agency or a representative of a state or local government agency, as provided by law, who orders a copy of a record to which subdivision (a) applies in conducting official business shall not be required to provide the notarized statement required by subdivision (a).

(2) An agent or employee of a funeral establishment who acts within the course and scope of his or her employment and who orders death certificates on behalf of individuals specified in paragraphs (1) to (5), inclusive, of subdivision (a) of Section 7100 shall not be required to provide the notarized statement required by subdivision (a).

(f) Informational certified copies of birth and death certificates issued pursuant to subdivision (b) shall only be printed from the single statewide database prepared by the State Registrar and shall be electronically redacted to remove any signatures for purposes of compliance with this section. Local registrars and county recorders shall not issue informational certified copies of birth and death certificates from a source other than the statewide database prepared by the State Registrar. This subdivision shall become operative on July 1, 2007, but only after the statewide database becomes operational and the full calendar year of the birth and death indices and images is entered into the statewide database and is available for the respective year of the birth or death certificate for which an informational copy is requested. The State Registrar shall provide written notification to local registrars and county recorders as soon as a year becomes available for issuance from the statewide database.

**COUNTY RECORDERS ASSOCIATION
OF CALIFORNIA (CRAC)**

2013-14 LEGISLATIVE SESSION
LEGISLATIVE PROPOSAL

Submitted by: Doug Allen

County: Marin

Address: Marin County Assessor Recorder
P.O. Box C San Rafael CA 94913

Phone: 415-473-6298

eMail: dgallen@marincounty.org

Amend Code section(s): Probate Code Section 210 (a)

What does this proposal do? This proposal amends the Probate Code to include the definition of a certified copy of a death certificate as identified by Health and Safety Code 103526 and include the definition of Health and Safety Code 103526 (b) (1) of an "Informational Certified Copy."

What problem(s) will this proposal resolve? This proposal will clean up ambiguous language in Probate Code 210 (a) to reflect the Health and Safety Code as amended by SB 247 in 2002.

How will this proposal affect the agency and the public? Probate Code 210. states, "... any person may record in the county in which the property is located any of the following establishing the fact of death:". However, Health and Safety Code as amended by SB247 doesn't allow '**any person**' access to a certified copy of a death certificate. This amendment will align this provision of the Probate Code with the present day practice of issuing certified copies of death certificates enabling '**any person**' to record an affidavit of death with an "Informational Certified Copy".

Are there any other related Code sections that will be affected?

Yes. Provide them:

No

Will this proposal save/increase costs? Explain and give estimates: This amendment will save the public hundreds of dollars in legal fees petitioning the court for an order to obtain an authorized certified copy of a death certificate.

What other agencies be affected by this proposal? None

Who will support this proposal? Why? Title Companies and Judges. Title Companies will have an easy method of recording Affidavits of Deaths. Judges will not have their court calendars clogged with frivolous petitions.

Who will oppose this proposal? Why? Attorney's eager for legal fees and easy work.

Draft Language: (attached additional pages if necessary)

PROBATE CODE SECTION 210

"210. If title to real property is affected by the death of a person, any person may record in the county in which the property is located any of the following documents establishing the fact of the death :

- (a) An affidavit of death executed by a person having knowledge of the facts. The affidavit shall include a particular description of the real property and an attested or certified copy of a record of the death made and filed in a designated public office as required by law." ***A certified copy shall be defined, for this provision, as an "authorized certified copy" identified in Health & Safety Code 103526(a), 103526.5 and an "informational certified copy" as defined in Health & Safety Code 103526 (b) (1).***

**COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA
GENERAL LEGISLATIVE GUIDELINES**

TOPIC	LEGISLATIVE INTENT	POSITION
Recording Fees	Recording fees for recorder operations	SUPPORT
	Recording fees that directly tie to recorder customer benefit	SUPPORT
	Recording fees for non-recorder related activities	OPPOSE
	Recording fees for non-recorder related activities with vote of public	NEUTRAL
Recorded Documents	Establishment of a new document provided appropriate fees and recording requirements are included	NEUTRAL
	Establishment of new recording requirements provided adequate funding is included and service is not disruptive to function of recorder	SUPPORT
Recording Process	Electronic recording including county option	SUPPORT
	Adequate fees are provided and service is not disruptive to function of recorder	NEUTRAL
Vital Statistic Fees	Copy fees for recorder operations	SUPPORT
	Copy fees that directly tie to recorder customer benefit	SUPPORT
	Copy fees for non-recorder related activities	OPPOSE
	Copy fees for non-recorder related activities with vote of public	NEUTRAL
Vital Statistic Process	Establishment of new forms provided no additional cost is charged and is not disruptive to recorder function	NEUTRAL
	Establishment of new requirements provided policy is not disruptive to recorder function and costs are recovered	NEUTRAL
Public Records	Establish limitations affecting the public's access to official records	OPPOSE
	Establish limitations affecting the public's access to vital statistic records	NEUTRAL
	Establish limitations affecting the public's access to filed documents	OPPOSE
<p>These general legislative guidelines will be used by the legislative committee in reviewing pending legislation for establishing an association position. Each bill will be looked at individually when using these general guidelines.</p>		

OVERVIEW OF 2012 LEGISLATIVE YEAR



Government Affairs Consulting

To: County Records' Association of California

From: Gregg Cook
Rob Grossglauser

Date: November 9, 2012

Subject: 2012 Legislative Review

During the 2011-2012 State Legislative Session, California lawmakers introduced over 4500 pieces of legislation; of these the County Records' Association (CRAC) Legislative Committee identified 75 of interest to CRAC. During the two-year session 1846 bills made their way to Governor Brown's desk, he signed 1621. Who says we do not need more laws?

The CRAC Legislative Committee is the forum for each piece of legislation. The committee debates, discusses and provides direction to Government Affairs Consulting (GAC) on legislative advocacy efforts. The legislative committee provides expertise on the workings and function of the Recorder's office and the desired policy outcome on issues; GAC provides analysis of the political environment, the legislative process, and strategic analysis for achieving the desired outcome.

CHALLENGING. 2012 was full of high impact bills for County Recorders, many of which negatively impacted County Recorder offices and County Recorder constituents. Among the more egregious measures, include: CRAC opposed and help defeat Senate Bill 1220, it would have added a \$75 fee to recordings to funding affordable housing. Assembly Bill 1852 would allow a \$5 increase in copy fees for vital recorders. CRAC strongly opposed and Governor Brown agreed with County Recorders, vetoing the legislation. Assembly Bill 1950 originally imposed a \$25 fee on the recording a notice of default, CRAC opposed until the fee was eliminated from the bill. Senate Bill 1342 made adjustments to the Real Estate Fraud Fund. CRAC successfully retained amendments and with those the Association was able to move to a support position. Finally, last, but in no way the least challenging, in fact it was the most challenging: Assembly Bill 2299. It was the most egregious legislation facing CRAC in 2012. It would have created a public safety official confidentiality program for public records, jeopardizing the very purpose and function of the County Recorders office. CRAC's strenuous opposition defeated the measure.

Looking forward to 2013-2014: The 2012 election results are in and 2013 is going to begin with many new faces. Educating newly elected policy makers on the purpose, function and workings of the County Recorder's office will be essential. The California State Legislature will have no less than 37 newly elected Assemblymembers, including Mr. Phil Ting and Mr. Tom Daly - the State Legislature will greatly benefit from their experience and expertise. Also of significant importance is the Democratic Party will hold a supermajority (2/3rds) in both the Assembly and the Senate. The last time a single party held a supermajority in both houses at the same time was 1933.



OVERVIEW OF LEGISLATIVE PROCESS

The process of government by which bills are considered and laws enacted by the California State Legislature is commonly referred to as the legislative process. The California State Legislature is made up of two houses: the Senate and the Assembly. There are 40 Senators and 80 Assembly Members representing the people of the State of California. The Legislature maintains a legislative calendar governing the introduction and processing of the legislative measures during its two-year regular session.

Idea

All legislation begins as an idea or concept. Ideas and concepts can come from a variety of sources. The process begins when a Senator or Assembly Member decides to author a bill.

The Author

A legislator sends the idea for the bill to the Office of the Legislative Counsel, where it is drafted into bill form. The draft of the bill is returned to the legislator for introduction. If the author is a Senator, the bill is introduced in the Senate. If the author is an Assembly Member, the bill is introduced in the Assembly.

First Reading/Introduction

A bill is introduced or read the first time when the bill number, the name of the author, and the descriptive title of the bill are read on the floor of the house. The bill is then sent to the Office of State Publishing. No bill except the Budget Bill may be acted upon until 30 days have passed from the date of its introduction.

Committee Hearings

After introduction, a bill goes to the rules committee of the house, where it is assigned to the appropriate policy committee for its first hearing. Bills are assigned to policy committees according to subject area. For example, a Senate bill dealing with health care facilities would first be assigned to the Senate Health and Human Services Committee for policy review. Bills that require the expenditure of funds must also be heard in the fiscal committees, Senate Appropriations and Assembly Appropriations. Each committee is made up of a specified number of Senators or Assembly Members.

During the committee hearing the author presents the bill to the committee, and testimony may be heard in support or opposition to the bill. The committee then votes on whether to pass the bill out of committee, or that it be passed as amended. Bills may be amended several times. It takes a majority vote of the committee membership for a bill to be passed and sent to the next committee or to the floor.

Each house maintains a schedule of legislative committee hearings. Prior to a bill's hearing, a bill analysis is prepared that explains the intended effect of the bill on current law, together with background information. Typically the analysis also lists organizations that support or oppose the bill.

Second and Third Reading

Bills passed by committees are read a second time on the floor in the house of origin and then assigned to third reading. Bill analyses are also prepared prior to third reading. When a bill is read the third time it is explained by the author, discussed by the Members, and voted on by a roll call vote. Bills that require an appropriation, or that take effect immediately, ordinarily require 27 votes in the Senate and 54 votes in the Assembly to be passed. Other bills generally require 21 votes in the Senate and 41 votes in the Assembly. If a bill is defeated, the Member may seek reconsideration and another vote.

Repeat Process in Other House

Once the bill has been approved by the house of origin it proceeds to the other house where the procedure described above is repeated.

Resolution of Differences

If a bill is amended in the second house, it must go back to the house of origin for concurrence, meaning agreement on those amendments. If the house of origin does not concur in those amendments, the bill is referred to a two-house conference committee to resolve the differences. Three members of the committee are from the Senate and three are from the Assembly. If a compromise is reached, the bill is returned to both houses for a vote.

Governor

If both houses approve a bill, it goes to the Governor. The Governor has three choices: sign the bill into law, allow it to become law without his or her signature, or veto it. A governor's veto can be overridden by a two-thirds vote in both houses. Most enacted bills go into effect on the first day of January of the next year. Urgency bills, and certain other measures, take effect immediately after they are enacted into law.

California Law

Each bill that is passed by the Legislature and approved by the Governor is assigned a chapter number by the Secretary of State. These chaptered bills are statutes, and ordinarily become part of the California Codes. The California Codes are a comprehensive collection of laws grouped by subject matter.

The California Constitution sets forth the fundamental laws by which the State of California is governed. All amendments to the California Constitution come about as a result of constitutional amendments approved by the voters at a statewide election.