

# 2014 New Law Workbook

*A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS*



**County Records' Association of California**

# **2014 New Law Workbook**

*Presented by*

## **County Recorders' Association of California**

***Legislative Committee***

***Document Reference Manual Committee***

***Uniform Practice Committee***

**Sacramento, California**

**December 11, 2014**

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## 2014 Chaptered Bill Analysis

**Bill Number:** AB 502 [view the bill](#)

**Chapter Number:** 531 (Statutes of 2013)

**Author:** Wagner

**Topic:** Commercial law: secured transactions

**Impact:** **Important**

**Summary:** On and after July 1, 2014, revises and recasts specified provisions governing security interests. Among other things, the revised provisions:

(1) define a “public organic record” and revise the definitions of “authenticate,” “certificate of title,” and “registered organization” for purposes of those provisions;

(2) specify an additional requirement for determining whether a secured party has control of electronic chattel paper;

(3) specify rules that apply to collateral to which a security interest attaches within 4 months after the debtor changes its location to another jurisdiction;

(4) revise the requirements for a record to sufficiently provide the name of a registered organization, a decedent’s estate, or an individual;

(5) provide for a secured party of record with respect to a financing statement to file an information statement with respect to a record if the secured party believes that the person that filed the record was not entitled to do so; and

(6) enact changes relating to the subordination of security interests, the assignment of security interests, and the refusal of a filing office to accept a record for filing.

This bill implements transitional rules for determining the perfection of a security interest, as specified. It also revises cross-references and makes conforming changes to related provisions.

## 2014 Chaptered Bill Analysis

- Effect:** Amends Section 3343.5 of the Civil Code, amends Sections 481.207, 481.220, 680.340, 680.350, and 697.530 of the Code of Civil Procedure, amends Sections 9102, 9105, 9307, 9311, 9316, 9317, 9326, 9406, 9408, 9503, 9507, 9515, 9516, 9518, 9521, 9607, and 10103 of, and adds Chapter 8 (commencing with Section 9801) to Division 9 of, the Commercial Code, amends Section 21855 of the Food and Agricultural Code, amends Sections 504b and 574 of the Penal Code, relating to secured transactions, and makes an appropriation therefor.
- Updates UCC1, UCC3, and creates new document UCC5.
- Actions Required:** None
- Presenter:** Kammi Foote, Inyo County
- Notes:** New law was effective on July 1, 2014. It is no longer required to provide additional information if the debtor is an organization.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1525</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	450
<b>Author:</b>	Lowenthal
<b>Topic:</b>	Marriage: solemnization
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Authorizes the city clerk of a charter city or serving in accordance with subdivision (b) of Section 36501 of the Government Code to the list of persons authorized to solemnize marriages while that person holds office.
<b>Effect:</b>	Amends Section 400.1 of the Family Code, relating to marriage.
<b>Actions Required:</b>	Revise staff training material, handouts, website, etc. to add city clerks to the list of authorized solemnizers on marriage licenses.
<b>Presenter:</b>	Dan Harp, San Bernardino County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1577</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	631
<b>Author:</b>	Atkins
<b>Topic:</b>	Certificates of death: gender identity
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Commencing July 1, 2015, requires a person completing the certificate of death to record the decedent's sex to reflect the decedent's gender identity.
<b>Effect:</b>	Amends Section 102875 of the Health and Safety Code, relating to certificates of death.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Tauna Mallis, Riverside County
<b>Notes:</b>	Affects the State Department of Public Health State Registrar of Vital Statistics handbook.

## 2014 Chaptered Bill Analysis

**Bill Number:** AB 1660 [view the bill](#)

**Chapter Number:** 452

**Author:** Alejo

**Topic:** Driver's licenses: nondiscrimination

**Impact:** **Information Only**

**Summary:** Current law requires the Department of Motor Vehicles (DMV) to issue an original driver's license to a person who is unable to submit satisfactory proof that the applicant's presence in the United States is authorized under federal law if he or she meets all other qualifications for licensure and provides satisfactory proof to the department of his or her identity and California residency. This bill would additionally make it a violation of the California Fair Housing and Employment Act (FEHA) for an employer or other covered entity to discriminate against an individual because he/she holds or presents a driver's license issued under these provisions or to require a person to present a driver's license, except as specified. It would make conforming changes to FEHA to specify that discrimination on the basis of national origin includes, but is not limited to, discrimination on the basis of possessing a driver's license granted under these provisions. It would also prohibit a governmental authority, or agent of a governmental authority, or person acting on behalf of a governmental authority, from discriminating against an individual because he/she holds or presents a license issued pursuant to those provisions. The bill would provide that an action taken by an employer to comply with any requirement or prohibition under the Federal Immigration and Nationality Act is not a violation of law.

**Effect:** Amends Section 12926 of the Government Code and Sections 1653.5, 12800.7, and 12801.9 of the Vehicle Code, relating to driver's licenses.

**Actions Required:** None

**Presenter:** Teresa Williamson, San Joaquin County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1698</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	455
<b>Author:</b>	Wagner
<b>Topic:</b>	Falsified public records
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>Provides that after a person is convicted of a violation of falsifying public records, or a plea is entered whereby a charge alleging a violation of that law is dismissed and a waiver is obtained as specified, upon written motion of the prosecuting agency, the court, after a hearing, as specified, is required to issue a written order that the false or forged instrument be adjudged void ab initio if the court determines that an order is appropriate under applicable law. The order must state whether the instrument is false or forged, or both false and forged, and describe the nature of the falsity or forgery.</p> <p>Order may be filed to establish that a previously filed or recorded document which is falsified or forged is invalid or void from the outset.</p>
<b>Effect:</b>	Amends Section 115 of the Penal Code, relating to falsified public documents.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Gina Alcomendras, Santa Clara County
<b>Notes:</b>	This bill was intended to cover a broad field of government offices and will affect documents that have been filed or recorded fraudulently.

**Title** **Order (Pertaining to Falsified Public Records)**

**Purpose** To evidence a judicial determination pertaining to falsified public records affecting title to or the possession of real property

**Requirements**

1. Name of party(ies)
2. Copy of the instrument to be voided
3. Recording reference of the Lis Pendens (if available)
4. Certified by the Clerk of the Court (must be a certified copy)

**Fees** Free - Penal Code 115(2)(B)

**Legal References**

Penal Code 115 (2)(A); (2)(B); (f)(7)

**Comments** Index also as a Judgment (Penal Code 115(f)(7)  
Notice of Pendency of Action and Withdrawal of Notice of Pendency of Action relating to this also records for no fee - Penal Code 115(2)(B)

Local Use	
Index	Ordinances/Opinions
Grantor - Party of deprived of interest Grantee = Party retaining/acquiring interest	

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

\_\_\_\_\_ space above this line for Recorder's use only \_\_\_\_\_

**IN THE SUPERIOR COURT OF THE STATE OF CALIFORNIA  
IN AND FOR THE COUNTY OF \_\_\_\_\_ .**

In RE: \_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )  
\_\_\_\_\_ )

Case No. \_\_\_\_\_

In the matter of:

**SAMPLE**

IT IS ORDERED, ADJUDGED AND DECREED THAT:

Dated: \_\_\_\_\_

\_\_\_\_\_  
Judge of the Superior Court

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1733</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	764
<b>Author:</b>	Quirk-Silva
<b>Topic:</b>	Public records: fee waiver
<b>Impact:</b>	<b>Major</b>
<b>Summary:</b>	<p>On or after July 1, 2015, requires each local registrar or county recorder to issue, without a fee, a certified record of live birth to any person who can verify his or her status as a homeless person or a homeless child or youth, as defined; requires a homeless services provider, as described, that has knowledge of a person's housing status to verify the person's status as a homeless person or homeless child or youth for purposes of this provision.</p> <p>Also requires the State Department of Public Health to develop an affidavit attesting to an applicant's status as a homeless person or homeless child or youth, and provides that the affidavit is sufficient verification for purposes of obtaining the certified record of live birth, as specified.</p> <p>By imposing additional duties on county employees, the bill would impose a state-mandated local program.</p>
<b>Effect:</b>	Adds Section 103577 to the Health and Safety Code, and amends Section 14902 of the Vehicle Code, relating to public records.
<b>Actions Required:</b>	CDPH will provide the affidavit attesting to the applicant's status as well as modify the VS-5. Need to educate staff.
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1858</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	284
<b>Author:</b>	Perea
<b>Topic:</b>	Commercial law: secured transactions
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>This bill would revise the manner in which a financing statement sufficiently provides the name of the debtor, where that debtor is an individual, to provide that, where the Department of Motor Vehicles has issued a driver's license that has not expired or identification card that has not expired to the individual, the statement sufficiently provides the name of the debtor only if the statement provides the name of the individual indicated on the license or card and, if the individual has not been issued a driver's license or identification card, the statement sufficiently provides the name of the debtor if it provides the individual name of the debtor or the surname and first personal name of the debtor. The bill would also implement transitional rules for carrying out these provisions.</p>
<b>Effect:</b>	Amends Section 9503 of, and adds Chapter 9 (commencing with Section 9901) to Division 9 of, the Commercial Code, relating to secured transactions.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Teresa Williamson, San Joaquin County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1888</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	20
<b>Author:</b>	Ting
<b>Topic:</b>	Documentary transfer tax: document for recordation: amount of tax due shown on separate paper
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Eliminates the option for a party to request a separate transfer tax statement.
<b>Effect:</b>	Amends Sections 11932 and 11933 of the Revenue and Taxation Code to delete the requirement that, upon request, the amount of tax due be shown on a separate paper affixed to the document.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Frederick Garcia, Contra Costa County

Title **DEED**

Purpose  
To transfer title to real property

Requirements

1. Name(s) of grantor(s)
2. Name(s) of grantee(s)
3. Description / identification of real property
- \* 4. Documentary transfer tax declaration
5. Mailing address - tax statements
6. Certificate of Acceptance if deed is to a political or governmental agency for public purposes
7. Signature(s) of grantor(s)
8. Signature(s) acknowledged

Document type requires Preliminary Change of Ownership Report and permits \$20 penalty per Assessor / Recorder agreement  
\* Declaration must appear on face of document

Fees  
Regular fee and possible Documentary Transfer Tax transaction and/or Survey Monument Preservation fee

Legal References  
Govt - 27321.5 (tax addr), 27281 (certificate), 27287 (ack)  
27585 (SMP), R & T - 480.3 (PCOR), 11932, 11933 (DTT)

Comments  
Deeds from a county treasurer to reclamation district require a regular recording fee  
For definitions of specific types of deeds, i.e., Quitclaim, Warranty, etc., see Glossary

Local Use	
Index	Ordinances/Opinions
Grantor = Grantor(s) Grantee = Grantee(s)	

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

Rev. 2014

space above this line for Recorder's use only

**DEED**

The undersigned grantor(s) declare(s) :  
Documentary transfer tax is \$\_\_\_\_\_  
( ) computed on full value of property conveyed, or  
( ) computed on full value less value of liens and encumbrances remaining at the time of sale  
( ) Unincorporated area : ( ) City of \_\_\_\_\_

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

**SAMPLE**

hereby GRANT(S) to :

the following described real property situated in the City of \_\_\_\_\_  
County of \_\_\_\_\_, State of California.

Dated : \_\_\_\_\_

\_\_\_\_\_  
Grantor(s)

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 1951</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	334
<b>Author:</b>	Gomez
<b>Topic:</b>	Vital records: birth certificates
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>Commencing January 1, 2016, instead requires the State Registrar, with regard to identification of the parents, to modify the certificate of live birth to contain 2 lines that both read "Name of Parent" and contain, next to each parent's name, 3 checkboxes with the options of mother, father, and parent to describe the parent's relationship to the child. Also requires that all local registrars, deputy registrars, and subregistrars use the modified certificate of live birth, update all forms to incorporate the modification, and discard all forms in use before the modification.</p> <p>For a birth occurring prior to January 1, 2016, authorizes a parent to amend specified parental titles on the certificate of live birth to the parent relationship designation described above. If the birth mother is listed on the certificate of live birth, requires the birth mother's name, date of birth, and place of birth to be linked to her medical and social information, and requires that the linkage be confidential, as specified. Makes technical and conforming changes.</p>
<b>Effect:</b>	Amends, repeals, and adds Sections 102425 and 102430 of, adds Sections 102425.1 and 102425.2 to, and repeals Section 102150 of, the Health and Safety Code, relating to vital records.
<b>Actions Required:</b>	May want to change applications to include the title "Parent".
<b>Presenter:</b>	Portia Sanders, Los Angeles County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2135</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	677
<b>Author:</b>	Ting
<b>Topic:</b>	Surplus land: affordable housing
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Amends the procedure for the disposal of surplus land by local agencies and expands the provisions relating to the prioritization of affordable housing development if the surplus land will be used for residential development. Requires an entity proposing to use the surplus land for developing low and moderate income housing to agree to make available a certain percentage available for affordable housing or affordable rent for a period of at least 55 years. Also requires these requirements to be contained in a covenant or restriction recorded against the surplus land at the time of sale, to run with the land, and be enforceable, against any owner who violates the covenant or restriction and each successor-in-interest who continues the violation, by a residents' association, as specified, and certain individuals.</p>
<b>Effect:</b>	Amends Sections 54220, 54223, 54225, 54226, and 54227 of, and to add Sections 54222.5 and 54223 to, the Government Code, relating to local government.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Candace Grubbs, Butte County
<b>Notes:</b>	Will use an existing Declaration of Covenants, Conditions, and Restrictions: Page 7 in the DRIM.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2161</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	680
<b>Author:</b>	Chau
<b>Topic:</b>	Affordable housing
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Existing law authorizes the Department of Housing and Community Development to approve an extension of a department loan, the subordination of a department loan to new debt, or an investment of tax credit equity under specified rental housing finance programs, subject to specified conditions.</p> <p>This bill would include within these provisions the reinstatement of a qualifying unpaid matured loan, as defined. This bill would require a qualifying unpaid matured loan reinstated under these provisions to be treated as if its term has been extended from the expired due date for purposes of calculating obligations of the borrower to the department</p>
<b>Effect:</b>	Amends Sections 50560, 50561, 50562, and 50563 of, and to add Section 50565 to, the Health and Safety Code, relating to housing.
<b>Actions Required:</b>	None
<b>Presenter:</b>	David Valenzuela, Ventura County
<b>Notes:</b>	Will use an existing document. Agreement -Page 5 in the DRIM.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2187</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	61
<b>Author:</b>	Cooley
<b>Topic:</b>	County children's trust funds
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Existing law requires a county treasurer to transmit monies collected from birth certificate fees that are for the county children's trust fund and that are collected with respect to the birth certificate of a child whose mother was a resident of another county at the time of the birth to the treasurer of the county of the mother's residence at the time of the birth if the county to receive the funds, among other things, does not have a licensed health facility that provides maternity services within its jurisdiction.</p> <p>This bill deletes the requirement that the county to receive the funds does not have a licensed health facility that provides maternity services within its jurisdiction, as specified.</p>
<b>Effect:</b>	Amends Section 18966 of the Welfare and Institutions Code, relating to children.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Portia Sanders, Los Angeles County
<b>Notes:</b>	It is impossible for the County Recorder to determine the residence of the mother since we have no access to the confidential portion of the birth certificate.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>AB 2215</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	651
<b>Author:</b>	Maienschein
<b>Topic:</b>	Veterans: recorded documents
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	<p>Existing law requires that if any military veteran requests the recordation of any military discharge document, including a veteran's service form DD214, the county recorder shall require the veteran to sign a form that acknowledges that the document becomes part of the official record of the county, and subject to inspection, as provided.</p> <p>This bill permits a family member or legal representative of the veteran authorized by law to receive a certified copy of those documents to request recordation of those documents on the same terms as a veteran.</p>
<b>Effect:</b>	Amends Section 27337 of the Government Code, relating to veterans.
<b>Actions Required:</b>	Veteran's cover sheet may need to be modified to allow other authorized people to sign.
<b>Presenter:</b>	Val Wood, San Diego County

Title **MILITARY DISCHARGE**

Purpose  
To evidence the military record of a separated (discharged) member

Requirements

1. Original or certified copy of completed DD-214 form or other separation documents
2. Signed coversheet by the veteran or any person authorized to receive a certified copy of the record which states:

I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information referenced within it becomes part of the official record of this County, and that this information is open to inspection by any person.

\_\_\_\_\_  
Name (Printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Fees  
Free

Legal References  
Govt - 6107(b) (Authorized Individual(s))  
Govt - 6107, 27381 (fee); 27337 (signed coversheet)

Comments  
Please see page 279 for the sample of the Recording Cover Sheet  
V.A. requires "member 4" copy for benefits

Local Use	
Index	Ordinances/Opinions
Grantor = Veteran	

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

Rev. 2012

space above this line for Recorder's use only

**CERTIFICATE OF RELEASE OR DISCHARGE FROM ACTIVE DUTY**

1. NAME		2. DEPARTMENT, COMPONENT, AND BRANCH		3. SSN	
4A. GRADE, RATE, RANK	4B. PAY GRADE	5. DATE OF BIRTH	6. PLACE OF ENTRY INTO ACTIVE DUTY		
7. LAST DUTY ASSIGNMENT AND MAJOR COMPANY		8. STATION WHERE SEPARATED			
9. COMMAND TO WHICH TRANSFERRED		10. SGU COVERAGE AMOUNT _____ NONE			
11. PRIMARY SPECIALTY NUMBER, TITLE, AND YEARS & MONTHS IN SPECIALTY		12. RECORD OF SERVICE DATE		YEARS	MONTH
		SEPARATION DATE			
		NET ACTIVE SERVICE			
		TOTAL PRIOR ACTIVE			
		TOTAL PRIOR INACTIVE			
		FOREIGN SERVICE			
		SEA SERVICE			
		EFFECTIVE DATE			
		RESERVE OBLIGATION			
13. DECORATIONS, MEDALS, BADGES, CITATIONS, ETC.					
14. MILITARY EDUCATION					
15. MEMBER CONTRIBUTED TO POST - VIETNAM VETERANS EDUCATION ASSISTANCE PROGRAM		YES	NO	16. HIGH SCHOOL GRADUATE OR EQUIVALENT	
				YES	
				NO	
17. DAYS ACCRUED LEAVE PAID					
18. REMARKS					
<b>SAMPLE</b>					
19. MAILING ADDRESS AFTER SEPARATION			20. MEMBER REQUESTS COPY'S BE SENT TO _____ DIR OF VET AFFAIRS		
			YES		
			NO		
21. SIGNATURE OF MEMBER BEING SEPARATED			22. TYPED, NAME, GRADE, TITLE, AND SIGNATURE OF OFFICIAL AUTHORIZED TO SIGN		

Title **MILITARY DISCHARGE - RECORDING COVER SHEET**

Purpose  
To evidence the military record of a separated (discharged) member

Requirements

1. Original or certified copy of completed DD-214
2. Signed coversheet by the veteran or any person authorized to receive a certified copy of the record which states:

I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information reference within it become part of the official record of this County, and that this information is open to inspection by any person.

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

Fees  
Free

Legal References  
Govt - 6107(b) (Authorized Individual(s))  
Govt - 6107 (fee), 27381 (fee), 27337 (signed coversheet)

Comments  
Please see page 36 for the sample of the Military Discharge form  
V.A. requires "member 4" copy for benefits

Index	Local Use	Ordinances/Opinions
Grantor = Veteran		

RECORDING REQUESTED BY \_\_\_\_\_  
AND WHEN RECORDED MAIL TO \_\_\_\_\_  
NAME \_\_\_\_\_  
ADDRESS \_\_\_\_\_  
CITY, STATE/ZIP \_\_\_\_\_

Rev. 2012  
space above this line for Recorder's use only

**MILITARY DISCHARGE DOCUMENT**  
**Government Code Section 27337**

**SAMPLE**

I, the undersigned, hereby acknowledge that I am informed that by recording the attached military discharge document, all information referenced within it becomes part of the official record of this County, and that this information is open to inspection by any person.

\_\_\_\_\_  
Name (printed)

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Date

## 2014 Chaptered Bill Analysis

**Bill Number:** AB 2231 [view the bill](#)

**Chapter Number:** 703

**Author:** Gordon

**Topic:** State Controller: property tax postponements

**Impact:** **Important**

**Summary:** Requires the tax collector or the assessor to notify the Controller if assessment records applicable to property for which taxes have been postponed reveal a change in ownership within 60 days of processing that change, and requires that the county tax collector or assessor notify the Controller within 60 days of all property subject to a “Notice of Lien for Postponed Property Taxes” and processed for notice of becoming tax defaulted or of the claimant for that property, if residential, transferring ownership or changing his or her mailing address, or having been determined to be deceased.

Requires the notice of lien to be recorded within 14 days of the transfer of funds and notice of lien to the county by the Controller. After the notice of lien has been duly recorded and indexed, it shall be returned by the county recorder to the office of the Controller.

The recorder shall provide the county tax collector with a copy of the notice of lien which has been recorded by the Controller.

Also requires the Controller, upon written request of the tax collector, to provide the tax collector with information that is required for the preparation and enforcement of the sale of tax-defaulted property. Requires the tax collector or assessor, in the case of a tax-defaulted property sale, to include the outstanding balance of the property tax postponement loan in the minimum bid.

Requires that, in the event that the property fails to receive the minimum bid and the minimum bid is reduced, all monies paid to the Controller’s office and

## 2014 Chaptered Bill Analysis

county tax collector be a proportionate allocation of the total monies owed. The bill also requires the tax collector or his or her designee to certify, under penalty of perjury, that the information is requested for these purposes. Also provides that any information provided to the tax collector is not a public record and is not open to public inspection. By requiring the tax collector to make a certification under penalty of perjury, this bill expands the crime of perjury thereby imposing a state-mandated local program.

Existing law authorizes a tax collector, 5 years or more after a nonresidential commercial property has become tax defaulted, to sell the property, as specified.

This bill authorizes a county to adopt conditions and procedures to delay the sale of property that it deems may be eligible to file a property tax postponement claim, as specified, and to cancel any delinquent penalties, costs, fees, and interest associated with these properties.

Existing law requires the price at which certain tax-defaulted property may be offered for sale to be the total amount necessary to redeem the property, plus costs.

This bill requires the outstanding balance, as defined, of any property tax postponement loan to also be included in the price described above.

Existing law requires, after certain other amounts have been satisfied, the proceeds from the sale of tax-defaulted property to be distributed to taxing agencies in specified proportions to each assessment fund with the remaining balance to each tax fund.

This bill requires the proceeds remaining after the distributions described above to be distributed to the State Controller for the outstanding balance of any property tax postponement loan.

## 2014 Chaptered Bill Analysis

- Effect:** Amends Sections 16181, 16182, 16183, 16184, 16186, 16190, 16200, 16210, 16211, and 16211.5 of, repeals Sections 16185, 16212, 16213, and 16214 of, and repeals and adds Section 16180 of, the Government Code, and amends Sections 2514, 2515, 3375, 3691, 3698.5, 3698.7, 3793.1, 4673.1, 20503, 20583, 20584, 20585, 20602, 20621, 20622, 20639.10, 20639.11, 20639.12, 20645.5, and 20645.6 of, amends and repeals Section 20623 of, repeals Section 20583.1 of, adds Section 3376 to, the Revenue and Taxation Code, relating to state government, and making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.
- Actions Required:** Urgency Clause
- Presenter:** David Valenzuela, Ventura County
- Notes:** Creates 2 new documents in the DRIM.

**Title** POSTPONED PROPERTY TAX LIEN

**Purpose** To create a lien against the homeowner for postponed property taxes

**Requirements**

1. Name of owner(s)
2. Description of real property for which real property taxes have been paid
3. Identification number of the notice of lien assigned by the controller
4. Signature of the controller

**Fees** Free

**Legal References** Govt. 16182(b)(6), 16182 (2) facsimile signature

**Comments**

	Local Use
Grantor = Owner(s)	Ordinances/Opinions
Grantee = Controller	

RECORDING REQUESTED BY \_\_\_\_\_

AND WHEN RECORDED MAIL TO \_\_\_\_\_

NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

CITY, STATE/ZIP \_\_\_\_\_

# SAMPLE

Rev. 2014

space above this line for Recorder's use only

**TITLE OF DOCUMENT**

*Document under development*

**EVEN**

Title **RELEASE OF POSPONED PROPERTY TAX LIEN**

Purpose  
To evidence the release of a postponed property tax lien

Requirements

1. Name of owner(s)
2. Recording reference to the lien being released
3. Signature of Controller
4. Signature acknowledged

Fees  
Government Release Fees

Legal References  
Govt. - 16186, 27361.3 (fee), 27361.6 (rec ref), 27287, (ack)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Controller	
Grantee = Owner(s)	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

Rev. 2014

space above this line for Recorder's use only

**TITLE OF DOCUMENT**

*Document under Development*

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 445</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	547
<b>Author:</b>	Hill
<b>Topic:</b>	Underground storage tanks: hazardous substances: petroleum: groundwater and surface water contamination
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	<p>This bill primarily addresses the fee imposed per gallon of petroleum placed in underground storage tanks; the costs of remediating contamination from an underground storage tank; the requirements to permanently close specific types of underground storage tanks.</p> <p>This bill did not change or add language allowing for the recordation of a lien. As H&amp;S 25299.70 was it allowed for the recordation of the lien. This bill simply brought this code to our attention.</p>
<b>Effect:</b>	Amends Sections 25299.32, 25299.43, 25299.50, 25299.50.2, 25299.50.3, 25299.50.4, 25299.51, 25299.51.2, 25299.57, 25299.58, 25299.59, 25299.70, 25299.78, 25299.81, 25299.94, 25299.101, 25299.104, 25299.105, 25299.106, and 25299.107 of, adds Sections 25292.05, 25299.50.6, 25299.51.3, 25299.51.4, 25299.71, 25299.80, 25299.80.5, 25299.80.6, and 25299.82 to, and adds and repeals Section 25299.50.7 of, the Health and Safety Code, relating to hazardous substances, making an appropriation therefor, and declaring the urgency thereof, to take effect immediately.
<b>Actions Required:</b>	Urgency Clause
<b>Presenter:</b>	Paula Pesut, Shasta County
<b>Notes:</b>	Creates a new document in the DRIM

Title **NOTICE OF LIEN - UNDERGROUND STORAGE TANKS**

Purpose  
To evidence a lien against real property for the abatement of a hazardous waste from underground storage tanks on the owner's or nearby property

Requirements

1. Name(s) of owner(s) of record
2. Description / identification of real property on which the condition was abated
3. Amount of the lien
4. Signature of local agency official
5. Signature acknowledged

Fees  
**Free**

Legal References  
H&S - 25299.70(e) Govt 27287 (ack)

Comments

Local Use	
Index	Ordinances/Opinions
Grantor = Owner of site Grantee = Public Agency	

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME  
ADDRESS  
CITY, STATE/ZIP

**SAMPLE**

space above this line for Recorder's use only

**NOTICE OF LIEN**

AFFECTED PARTIES ARE NOTIFIED THAT

1. A lien is created by this notice under Health and Safety Code section 25299.70.
2. The name and address of the lien claimant is:
3. The name and last known address of the owner of record of the real property that is subject to the lien is:
4. A description of the real property on which the condition was abated and to which the lien attaches is as follows:
5. The amount of the lien at the time of this notice is:

NOTICE In order to release this lien or reduce its amount, the owner of record must file a petition in the appropriate court of law no later than 45 days from the date of receipt of this notice.

Date: \_\_\_\_\_  
Local Agency Official

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 940</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	553
<b>Author:</b>	Jackson
<b>Topic:</b>	California Conservatorship Jurisdiction Act
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	Enacts, operative January 1, 2016, except as specified, the California Conservatorship Jurisdiction Act which is intended to be a modified version of the Uniform Adult Guardianship and Protective Proceedings Jurisdiction Act.
<b>Effect:</b>	Amends Section 1913 of the Code of Civil Procedure, adds Section 70663 to the Government Code, amends Sections 1455, 1471, 1821, 1834, 1840, 1841, 1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1890, 2107, 2200, 2300, 2352, 2505, 2650, and 3800 of, adds Sections 1301.5 and 1851.1 to, and adds Chapter 8 (commencing with Section 1980) to Part 3 of Division 4 of, the Probate Code, relating to conservatorships.
<b>Actions Required:</b>	None at this time.
<b>Presenter:</b>	David Valenzuela, Ventura County
<b>Notes:</b>	Bill does not take effect until January 1, 2016. Could possibly create a new document in the DRIM.

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1050</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	197
<b>Author:</b>	Monning
<b>Topic:</b>	Notaries public: verification of identity: notice
<b>Impact:</b>	<b>Important</b>
<b>Summary:</b>	Requires a notice to be included in documents to be notarized, in an enclosed box stating that the acknowledgment, proof of execution, or a notarial certificate of a jurat verifies only the identity of the individual who signed the document to which the acknowledgment, proof of execution, or jurat is attached, and not the truthfulness, accuracy, or validity of the document.
<b>Effect:</b>	Amends Sections 1189 and 1195 of the Civil Code, and Section 8202 of the Government Code, relating to notaries public
<b>Actions Required:</b>	<p>All documents acknowledged after January 1, 2015 will need to include the new required wording in the acknowledgement or jurat form in order to be accepted for recording.</p> <p>Counties will also need to update the acknowledgement and jurat forms on all documents including requests for Birth, Death and Marriage records.</p>
<b>Presenter:</b>	Kammi Foote, Inyo County
<b>Notes:</b>	All documents maintained online and through third party vendors will also need to be updated.

## 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. NOTE: Proof not permitted on documents affecting real property with the exception of trustee's deed or deed of reconveyance

**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-1180-1184)

Any acknowledgment taken within the State of California **shall be** in the form described in Civil Code Section 1189(a) (1). The format shown below is the only format acceptable to California Recorders for documents executed after December 31, 2014:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document

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://www.hcch.net/index\\_en.php?act=conventions.text&cid=41](http://www.hcch.net/index_en.php?act=conventions.text&cid=41)

**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.

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 _____	

OR

*Effective 01/22/2004 GC 27201.5 (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 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

Pursuant to CC 1189 (b), any certificate of acknowledgment taken in another place shall be sufficient in this state if it is taken in accordance with the laws of the place where the acknowledgment is made.

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

**a. American possessions**

Acknowledgments taken before a notary public in the following may be accepted for recording without further proof or authentication.

American Samoa  
Guam  
Johnston Island  
Midway Islands

Pacific Trust Islands  
Puerto Rico  
U.S. Virgin Islands

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

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.

**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

<p style="margin: 0;"><b>APOSTILLE</b></p> <p style="margin: 0;">(Convention de La Haye du 5 Octobre 1961)</p>	
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 of 5 October 1961 Abolishing the Requirement of Legalisation for Foreign Public Documents. An up-to-date list of contracting countries can be found on the website: [http://www.hcch.net/index\\_en.php?act=conventions.status&cid=41](http://www.hcch.net/index_en.php?act=conventions.status&cid=41)

**Please note:** Apostilles can be accepted from both Member” and “non-Member” states.

**HAGUE CONVENTION CONTRACTING COUNTRIES**

As of November 2014, the following nations adhere to the requirements of the Hague Convention:

Albania  
Andorra  
Antigua and Barbuda  
Argentina  
Armenia  
Australia  
Austria  
Azerbaijan  
Bahamas  
Bahrain  
Barbados  
Belarus  
Belgium  
Belize  
Bosnia and Herzegovina  
Botswana  
Brunei Darussalam  
Bulgaria  
Burundi (effective 02/13/2015)  
Cape Verde  
China, People's Republic of  
    China (Hong Kong)  
    China (Macao)  
Colombia  
Cook Islands  
Costa Rica  
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  
Kyrgyzstan  
Latvia  
Lesotho  
Liberia  
Liechtenstein  
Lithuania  
Luxembourg  
Malawi  
Malta  
Marshall Islands  
Mauritius  
Mexico  
Monaco  
Mongolia  
Montenegro  
Namibia

Netherlands  
Extended to:  
Aruba  
Bonaire  
Curacao  
Saba  
Sint Eustatius  
Sint Maarten  
New Zealand  
Nicaragua  
Niue  
Norway  
Oman  
Panama  
Paraguay  
Peru  
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)  
Uruguay  
USA (50 states)  
Subdivisions:  
American Samoa  
District of Columbia  
(Washington D.C.)  
Guam  
Northern Mariana Islands  
Puerto Rico  
Virgin Islands of the U.S.  
Uzbekistan  
Vanuatu  
Venezuela

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

**5. ACKNOWLEDGMENT IN A FOREIGN LANGUAGE (GC-8, 27293)**

Any document, including an acknowledgment, must be in English. **Exception:** An apostille, when clearly identified by that title and used in conjunction with an acknowledgment, is acceptable without translation if it is in a foreign language. When an acknowledgement taken in a foreign country is in a foreign language an English translations must be made and attached to the document. The translation must be verified and certified by the County Clerk in order for the document to be recorded.

**6. ACKNOWLEDGMENT TAKEN BY A MILITARY/VETERAN OFFICER (CC – 1183.5, M & V CODE 973)**

Any officer on active duty or performing inactive-duty training may take an acknowledgment for any person serving with the armed forces, or for any spouse of a person serving with the armed forces either as military or civilian personnel. Any County Veteran service officer may take an acknowledgment for a veteran. Pursuant to CC 1183.5, the certificate does not need to include a seal or the place of execution and only needs to be substantially in the wording found in this code.

**7. ACKNOWLEDGMENT TAKEN IN PENAL INSTITUTIONS (U.S. CODE TITLE 18, SEC. 4004)**

The wardens and superintendents, associate wardens and superintendents, chief clerks, record clerks, and parole officers of Federal penal or correctional institutions, may administer oaths to take acknowledgments of, officer, employees and inmates of such institutions.

**8. SIGNATURE BY MARK (GC - 16)**

A “mark” such as an X, is included in the definition of a signature for acknowledgment purposes when a person is unable to write for reasons of physical or mental impairment or illiteracy. The acknowledgment for such a signature must include:

The signature of two witnesses.  
The name of the person signing with a “mark” written near the “mark” by one of the witnesses.

**NOTE:** The acknowledgment must be made for the person signing with a “mark” and not for the witness.

The following is an example of the wording that may be used but is not mandatory:

<p><u>          (name)          </u> Being unable to write made his/her mark in our presence and requested the first of the undersigned to write his/her name, which he/she did, and we now subscribe our names as witnesses thereto.</p> <p>WITNESSES _____ _____</p>
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------

**9. PROOF OF EXECUTION – CC 1195 (a) - Not permitted on documents affecting real property with the exception of trustee’s deed or deed of reconveyance.**

Proof of execution of a document may be made in the following ways:

- (1) By the partying executing it, or either of them.
  - (2) By a subscribing witness
  - (3) By other witness, in such cases mentioned in Section 1198.
- (b)(1) Proof of the execution of a power of attorney, grant deed, mortgage, deed of trust, quitclaim deed, security agreement, **or any instrument affecting real property** is not permitted pursuant to Section 27287 of the Government Code, though proof of the execution of a trustee’s deed or deed of reconveyance is permitted.

**a. Proof by subscribing witness (CC – 1196, 1197) - Not permitted on documents affecting real property with the exception of trustee’s deed or deed of reconveyance.**

In the absence of an acknowledgment, a proof of execution may be taken by a notary public. The subscribing witness (the person signing as witness) must provide (with an oath) to the notary public that the person who signed the document is the person described in the document, that it is the person’s signature, and that he/she signed the document as a witness.

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

Pursuant to CC 1195 (c), any certificate for proof of execution taken within this state **shall be** in the following form:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document

State of California) \_\_\_\_\_  
 ) ss.

County of \_\_\_\_\_ )

On \_\_\_\_ (date), before me, \_\_\_\_\_ (name and title of 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) \_\_\_\_\_ [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 CODE 92)**

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

Pursuant to GC 8202 (b), To any affidavit subscribed and sworn to before a notary, there **shall be** attached a jurat in the following form:

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of the document

State of California} \_\_\_\_\_  
 County of \_\_\_\_\_ }

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

[Seal]

\_\_\_\_\_ (Signature)

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

**b. Unsworn Statement (CCP – 2015.5)**

An unsworn statement made in California may be in **substantially** the following form:

“I certify (or declare) under penalty of perjury that the foregoing is true and correct.”

\_\_\_\_\_

\_\_\_\_\_

An unsworn statement made outside California may be in **substantially** the following form:

“I certify (or declare) under penalty of perjury under the laws of the State of California that the foregoing is true and correct.”

\_\_\_\_\_

\_\_\_\_\_

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1306</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	82
<b>Author:</b>	Leno
<b>Topic:</b>	Marriage
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Removes references to sex-specific terminology (i.e. man, woman, husband, wife, etc.) and replaces them with gender-neutral terminology (i.e. person, spouse).
<b>Effect:</b>	<p>Repeals section 308 of the Family Code and removes references to same-sex marriage only being valid if contracted prior to November 5, 2008. Repeals section 308.5 that states only marriage between a man and a woman is valid or recognized in California.</p> <p>Amends Sections 300, 301, 302, 420, 500, 720, 721, 750, 751, 752, 754, 761, 1102, 1500, 1620, 1839, 2200, 2201, 2210, 2211, 2322, 2400, 2401, 3120, 3450, 3551, 3580, 3585, 3600, 4323, and 4930 of, to amend the heading of Chapter 2 (commencing with Section 720) of Part 1 of Division 4, to amend the heading of Chapter 3 (commencing with Section 1620) of Part 5 of Division 4, relating to marriage.</p>
<b>Actions Required:</b>	None
<b>Presenter:</b>	Frederick Garcia, Contra Cost County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1345</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	489
<b>Author:</b>	Committee on Natural Resources and Water
<b>Topic:</b>	Natural resources
<b>Impact:</b>	<b>Information Only</b>
<b>Summary:</b>	<p>Extends the sunset date of the Wholesale Regional Water System Security and Reliability Act (Act) from 2015 until 2022 and makes technical and clarifying changes to the Public Resources and Water Codes.</p> <p>Specific to Recorder: corrects an erroneous reference to the recording of a lien from county clerk to county recorder in 8704.2 of the Water Code (correction to last year's SB 753).</p>
<b>Effect:</b>	Amends Section 4597.22 of the Public Resources Code and Sections 8704.2, 73502, and 73514 of the Water Code, relating to natural resources.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Dan Harp, San Bernardino County

## 2014 Chaptered Bill Analysis

<b>Bill Number:</b>	<b>SB 1353</b> <a href="#">view the bill</a>
<b>Chapter Number:</b>	322
<b>Author:</b>	Nielsen
<b>Topic:</b>	Local government: Williamson Act
<b>Impact:</b>	<b>Minor</b>
<b>Summary:</b>	Deletes the January 1, 2016 date in the Williamson Act and thereby authorizes a county to utilize the process for revising or entering into contracts so as to specify 9-year or 18-year terms indefinitely. The bill additionally authorizes a county to utilize that process for revising or entering into contracts for land subject to a farmland security zone contract. The bill also makes conforming changes.
<b>Effect:</b>	Amends Section 51244.3 of, amends and repeals Sections 16142, 16142.1, and 51244 of, and repeals Section 51244.4 of, the Government Code, relating to local government.
<b>Actions Required:</b>	None
<b>Presenter:</b>	Cynthia Costa, Placer County