

2016 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



County Records' Association of California

2016 New Law Workbook

Presented by

County Recorders' Association of California

Legislative Committee

Document Reference Manual Committee

Uniform Practice Committee

Sacramento, California

December 12-14, 2016

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Table of Contents

New Laws

AB 1546	Vital records	2
AB 1618	Mental health services; No Place Like Home Program	3
AB 1661	Local government: sexual harassment prevention training and education.....	6
AB 1734	Mining claims: recording.....	7
AB 1779	Nonprobate transfers: revocable transfer on death deed.....	9
AB 1920	California Tax Credit Allocation Committee: low-income housing credit: fines.....	10
AB 1934	Planning and zoning: development bonuses: mixed-use projects.....	13
AB 1974	County recorder: recordation of documents; re-recording requirements	15
AB 2143	County recorder: electronic recording	19
AB 2263	Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality	20
AB 2296	Digital signatures.....	22
AB 2406	Housing: junior accessory dwelling units	23
AB 2450	Property taxation; contracts with government agencies restricting the use of owner-occupied housing	24
AB 2636	Certified copies of marriage, birth, and death certificates: electronic application	25
AB 2651	Greenway easements	27
AB 2693	Financing requirements: property improvements	28
AB 2761	Marriage: solemnization	29
SB 875	Solemnization of marriage: county sheriff	30
SB 909	Property tax postponement: special needs trust claimants	31
SB 974	Local government: omnibus (survey maps, military discharge records)	32
SB 983	Mortgages and deeds of trust.....	33
SB 1005	Marriage (“husband” and “wife” references, registered domestic partners)	34
SB 1150	Mortgages and deeds of trust: mortgage servicers: successors in interest.....	36

Miscellaneous Additions, Corrections, and Amendments to DRIM

Agreement/Covenant (**DRIM page 5**)40

Bylaws Mutual Water Company (*New*)42

Easement (*New*)44

Rescission of Deed (*New*)46

Revocation of Deed (**DRIM page 139**)48

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2016 Chaptered Bill Analysis

Bill Number: AB 1546

Chapter Number: 255

Author: Olsen

Topic: Vital records

Impact: **Important**

Summary: Authorizes the local registrar to release birth and death record indices to the county recorder within its jurisdiction for purposes of the preparation or maintenance of the indices of the county recorder.

Authorizes the State Registrar to suspend the use of any security feature if necessary to enable the State Registrar, local registrar, county recorder, or county clerk to supply an applicant with a certified copy of a birth, death, or marriage record.

Requires the State Registrar, in consultation with the County Recorders' Association of California and other stakeholders, to study all security features for paper used to print a vital record, or alternative security features that are equal to or better than those that are currently mandated. Also requires the State Registrar to submit a report to the Legislature, on or before January 1, 2018.

Effect: Amends Sections 102230 and 103526.5 of, and adds Section 103526.6 to, the Health and Safety Code, relating to vital records.

Allows shared indices between State and Recorder and authorizes a review of security features.

Actions Required: Security Committee collaboration with State

Presenter: Portia Sanders, Los Angeles County

Notes: **Bill contains an urgency clause to take effect immediately upon enactment.**

2016 Chaptered Bill Analysis

Bill Number:	AB 1618
Chapter Number:	43
Author:	Committee on Budget
Topic:	Mental health services; No Place Like Home Program
Impact:	Information Only
Summary:	<p>Establishes the No Place Like Home Program, to be administered by the Department of Housing and Community Development.</p> <p>Establishes the No Place Like Home Program Advisory Committee, as specified, and requires the committee to assist and advise the department in the implementation of the program, review and make recommendations on the department's guidelines, review the department's progress in distributing moneys pursuant to the program, and provide advice and guidance on statewide homelessness issues. Also requires the department to submit a report on the program to the Legislature by December 31 of each year, as specified, and, upon an appropriation for that purpose, to contract with a public or private research university in this state to evaluate the program, as provided.</p> <p>Requires submission of the three-year program and expenditure plan to the State Department of Health Care Services. Also requires the department to post on its website the three-year program and expenditure plan submitted by every county and a summary of the performance outcomes submitted by counties, as specified.</p> <p>Requires the department to conduct program reviews of performance contracts to determine compliance and requires each county performance contract to be reviewed at least once every three years. Also requires the department to post on its website any plans of correction requested and the related findings.</p> <p>Requires the instructions to include a requirement that the county certify the accuracy of the report described above. Requires the department and commission to post</p>

2016 Chaptered Bill Analysis

each county's report on its website, as specified. Also requires the department, in consultation with the commission and the County Behavioral Health Directors Association of California, to revise the instructions described above, as specified.

- Effect:** Amends Sections 5830 5845, 5847, 5848, 5897, and 5899 of, and adds Part 3.9 (commencing with Section 5849.1) to Division 5 of, the Welfare and Institutions Code, relating to mental health services, and making an appropriation therefor, to take effect immediately, bill related to the budget.
- Actions Required:** Update DRIM (page 161) pertaining to document: **Regulatory Agreement – Low Cost Housing**
- Presenter:** David Valenzuela, Ventura County
- Notes:** **The bill contains an urgency clause and takes effect immediately upon enactment.**

Title	REGULATORY AGREEMENT - LOW COST HOUSING
Purpose	To evidence an agreement between the developer and the local community development office or, the Department of Housing and Community Development regarding conditions relating to the construction of low-cost housing
Requirements	<ol style="list-style-type: none"> 1. Name(s) of party(ies) 2. Description / Identification of real property 3. Signatures of agreeing parties 4. Signatures acknowledged
Fees	Free
Legal References	W & 15849.8 H & S 50893 Govt - 27287 (ack)
Comments	
Index	Local Use
Grantor = All signing parties Grantee = other parties	Ordinances/Opinions

RECORDING REQUESTED BY _____

AND WHEN RECORDED MAIL TO _____

NAME _____

ADDRESS _____

CITY, STATE/ZIP _____

Rev. 2017

space above this line for Recorder's use only _____

REGULATORY AGREEMENT - LOW COST HOUSING

It is the intent of this agreement to give notice that _____, owner of the following property, has entered into an agreement with the Department of Housing and Community Development. This agreement constitutes a lien against this property.

The terms and conditions of this agreement are as follows:

SAMPLE

Property Description: _____

Dated: _____

Owner / Developer _____

Agency official _____

APPROPRIATE ACKNOWLEDGEMENT SHOULD APPEAR HERE

2016 Chaptered Bill Analysis

Bill Number:	AB 1661
Chapter Number:	816
Author:	McCarty
Topic:	Local government: sexual harassment prevention training and education
Impact:	Information Only
Summary:	<p>Additionally requires local agency officials, as defined, to receive sexual harassment prevention training and education if the local agency provides any type of compensation, salary, or stipend to those officials, and allows a local agency to require employees to receive sexual harassment prevention training or information.</p> <p>Also requires an entity that develops curricula to satisfy this requirement to consult with the city attorney or county counsel regarding the sufficiency and accuracy of that proposed content.</p>
Effect:	Adds Article 2.4.5 (commencing with Section 53237) to Chapter 2 of Part 1 of Division 2 of Title 5 of the Government Code, relating to local government.
Actions Required:	None
Presenter:	Teresa Williamson, San Joaquin County

2016 Chaptered Bill Analysis

Bill Number:	AB 1734
Chapter Number:	95
Author:	Obernolte
Topic:	Mining claims: recording
Impact:	Important
Summary:	Deletes the requirement that a recorded mining claim affidavit include the current residential address of the person who makes the proof and the owner of the claim, as known to the affiant.
Effect:	Amends Section 3913 of the Public Resources Code, relating to mining.
Actions Required:	<ul style="list-style-type: none">• Update DRIM (page 68) pertaining to document: Affidavit of Labor – Mining Claim• Inform staff
Presenter:	Bruce Cristall, Riverside County
Notes:	This bill conforms state reporting requirements to the federal reporting requirements that no longer require the residential address of the mining claimant.

Title

AFFIDAVIT OF LABOR - MINING CLAIM

Purpose

To evidence proof of labor and improvements made in accordance with legal requirements for mining claims

Requirements

1. Name of mining claim and BLM Serial No., if any
2. Recorder's reference to original location and last recorded amendment, if any
3. Location of claim by section, township, range, and meridian
4. Description, value, and date of work performed or statement that prescribed maintenance fee has been/will be paid & date
5. Name and mailing address of affiant
6. Name and address of person performing work
7. Name and mailing address of owner
8. Statement of owner's / affiant's claim
9. Statement of monumentation
10. Signature of affiant
11. Verification
- * 12. Tax Collector's certificate for payment of taxes

Fees

Regular, plus additional indexing fee, if applicable

Legal References

PR - 3913, 3914
CCP - 2003 (oath), 2015.5 (unsworn statement)

Comments

* If provided by local resolution.

Index	Local Use
Ordinances/Opinions	
Grantor = Owner, Mining Claim	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME _____
ADDRESS _____
CITY, STATE/ZIP _____

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space above this line for Recorder's use only

AFFIDAVIT OF LABOR

SAMPLE

BLM Serial No. _____

Certain labor and / or improvements required by law were performed or made on or for the benefit claim(s), (which together comprise a group of contiguous claims) located in the County of _____ California, in the mining assessment work year ending September 1, 20____, as follows :

Name of Claim(s) (in full)	County Recordation Original Location	County Recordation Last Amendment
Sec / Twp / Rge _____	_____	_____
_____	_____	_____
_____	_____	_____

LABOR AND IMPROVEMENTS, Specify (for example, state depth of shaft sunk; feet of tunnel, drift adit or crosscut driven; size of exploration, cut of trench; or refer to separate document, filed as required by PL876, describing geological, geochemical, or geophysical survey). Give value of each item and date on which, or periods of time within which the same was performed or made; and total value.

Name	Current Mailing Address
The owner of the mining claim(s) is (are) Name _____	_____
_____	_____

All monuments required have been erected, and all notices required by law have been posted, on each claim or copies of such notices were in place.

I hereby certify under penalty of perjury that the foregoing is true and correct.

Date : _____ Signature _____

Place of Execution
Record your proof of labor or assessment work notice with the BLM by December 30th of each year

2016 Chaptered Bill Analysis

Bill Number:	AB 1779
Chapter Number:	179
Author:	Gatto
Topic:	Nonprobate transfers: revocable transfer on death deed
Impact:	Information Only
Summary:	<p>Existing law (until January 1, 2021):</p> <ul style="list-style-type: none">• Creates the revocable transfer on death deed (revocable TOD deed), as defined, which allows an owner of real property to transfer that property, upon death, to a beneficiary without a probate proceeding, according to specified rules.• Sets forth the statutory forms that must be used by a transferor in the execution of a revocable TOD deed.• Requires the California Law Revision Commission to study and make recommendations regarding the revocable TOD deed to the Legislature by January 1, 2020. <p>This bill additionally requires the California Law Revision Commission to study whether it is feasible and appropriate to expand the revocable TOD deed to include specified transfers, including transfers to a trust.</p>
Effect:	Amends Section 21 of Chapter 293 of the Statutes of 2015, relating to nonprobate transfers.
Actions Required:	None
Presenter:	Jaime Pailma, Los Angeles County

2016 Chaptered Bill Analysis

Bill Number:	AB 1920
Chapter Number:	611
Author:	Chau
Topic:	California Tax Credit Allocation Committee: low-income housing credit: fines
Impact:	Important
Summary:	<p>Existing law:</p> <ul style="list-style-type: none">• Designates the California Tax Credit Allocation Committee to administer the federal and state low-income housing tax credit programs.• Requires the committee to allocate the housing credit on a specified regular basis and to only allocate credits to a project if the housing sponsor enters into a specified regulatory agreement.• Authorizes the committee to make any allocation or reservation of the state's housing credit ceiling to a housing credit applicant subject to specified terms and conditions.• Establishes the Housing Rehabilitation Loan Fund, which is continuously appropriated to the Department of Housing and Community Development, to fund various housing-related purposes. <p>This bill:</p> <ul style="list-style-type: none">• Authorizes the committee to establish a specified schedule of fines for violations of the terms and conditions, the regulatory agreement, other agreements, or program regulations.• Requires the committee to define serious violations and, except for serious violations, requires a first-time property owner violator to be given the opportunity to correct the violation before the fine is imposed.• Authorizes a property owner to appeal a fine to the committee.

2016 Chaptered Bill Analysis

- Requires these fines to be deposited in the Housing Rehabilitation Loan Fund
- Authorizes the committee to record a property lien if the fine has not been paid within a specified period of time.

By depositing these fines into the Housing Rehabilitation Loan Fund, a continuously appropriated fund, the bill makes an appropriation.

Effect: Amends Section 50199.10 of the Health and Safety Code, relating to housing, and making an appropriation therefor.

Actions Required: Create a new document for the DRIM:
Notice of Lien for Fine

Presenter: Danielle Rifilato, Santa Barbara County

Title	NOTICE OF LIEN FOR FINE
Purpose	A lien recorded by a public agency against a property when the owner has not paid a fine.
Requirements	<ol style="list-style-type: none"> 1. Name of owner(s) 2. Name of agency imposing lien 3. Description/identification of real property 4. Signature of agency 5. Signature acknowledged
Fees	No Fee
Legal References	H & S - 50199.10 (e) (3) (D), Govt. - 27287 (ack), 27288.1 (names)
Comments	
	Local Use
Index	Ordinances/Opinions
Grantor = Owner(s) Grantee = Agency	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME _____
ADDRESS _____
CITY, STATE/ZIP _____

space above this line for Recorder's use only

Added 2017

TITLE OF DOCUMENT

SAMPLE

DOCUMENT SAMPLE IS UNDER DEVELOPMENT

2016 Chaptered Bill Analysis

Bill Number: AB 1934

Chapter Number: 747

Author: Santiago

Topic: Planning and zoning: development bonuses: mixed-use projects

Impact: Information Only

Summary: The Planning and Zoning Law requires, when an applicant proposes a housing development within the jurisdiction of the local government, that the city, county, or city and county provide the developer with a density bonus and other incentives or concessions for the production of lower income housing units or for the donation of land within the development if the developer, among other things, agrees to construct a specified percentage of units for very low, low-, or moderate-income households or qualifying residents.

This bill, when an applicant for approval of a commercial development has entered into an agreement for partnered housing with an affordable housing developer to contribute affordable housing through a joint project or two separate projects encompassing affordable housing, until January 1, 2022, requires a city, county, or city and county to grant to the commercial developer a development bonus, as specified. This bill also:

- Defines the development bonus to mean incentives mutually agreed upon by the developer and the jurisdiction that may include but are not limited to, specified changes in land use requirements.
- Requires a city or county to submit to the Department of Housing and Community Development information describing an approved commercial development bonus.
- By increasing the duties of local officials relating to the administration of development bonuses, creates a state-mandated local program.

2016 Chaptered Bill Analysis

Effect: Adds and repeals Section 65915.7 of the Government Code, relating to housing.

Creates a state-mandated local program.

Actions Required: None

Presenter: Danielle Rifilato, Santa Barbara County

2016 Chaptered Bill Analysis

Bill Number:	AB 1974
Chapter Number:	406
Author:	Gallagher
Topic:	County recorder: recordation of documents; re-recording requirements
Impact:	Important
Summary:	Establishes procedures for the re-recording of recorded documents. Requires a document that is presented to a county recorder for re-recording to be executed and acknowledged or verified as a new document, unless document is presented solely to correct a recording sequence or solely to make a minor correction.
Effect:	Amends Sections 27201 and 27288.1 of the Government Code, relating to the county recorder. Imposes a state-mandated local program.
Actions Required:	<ul style="list-style-type: none">• Update DRIM Basic Document Requirements (page V) and Uniform Recording Rules (page VIII)• Inform staff
Presenter:	Wardell House, Santa Clara County
Notes:	This bill establishes requirements for standardization in the re-recording of documents. <ol style="list-style-type: none">1. Re-recorded documents must be executed and acknowledged or verified as new documents, <u>unless otherwise exempted</u> as follows:<ul style="list-style-type: none">• The instrument, paper, or notice is otherwise exempted by Section 27287 or any other law.• The instrument, paper, or notice is presented solely to correct a recording sequence.• The instrument, paper, or notice is presented with a corrective affidavit (see #3).

2016 Chaptered Bill Analysis

2. A **cover sheet** is required for each re-recorded instrument, paper or notice and to state the reason for re-recording.
3. Creates a new document, “**corrective affidavit**,” which must be presented with the document to be recorded pursuant to Section 27201(c)(1)(C)(i) where the instrument, paper, or notice is **presented solely to make a minor correction**. The corrective affidavit must satisfy all of the following:
 - Be attached to the original recorded instrument, paper, or notice.
 - Set out the information corrected.
 - Be certified by the party submitting the affidavit under penalty of perjury.
 - Be acknowledged pursuant to Section 27287.
4. Defines a “**minor correction**” to include any of the following:
 - An incorrect or missing address of the party to which the instrument, paper, or notice is to be returned following recording pursuant to Section 27361.6.
 - A clarification of illegible text pursuant to Section 27361.7.
 - An incorrect or missing printed or typed name of an individual or entity near the signature pursuant to Section 27280.5.
 - An incorrect or missing documentary transfer tax amount due pursuant to Section 11932 of the Revenue and Taxation Code.

BASIC DOCUMENT REQUIREMENTS (CONTINUED)

RERECORDING (GOVT – 27201(c)(1) – 27201(c)(2))

Each instrument, paper, or notice that is rerecorded shall be executed and acknowledged or verified as a new document, in addition to any previous execution and acknowledgment or verification, unless any of the following apply:

- A. The instrument, paper, or notice is otherwise exempted by Section 27287 or any other law.
- B. The instrument, paper, or notice is presented solely to correct a recording sequence. The intent of the parties with regard to the priority of recorded documents shall be controlling regardless of the sequence of recording by a county recorder or the sequence of recording specified in instructions given by a submitter to a county recorder. This subparagraph is declaratory of existing law, and any rerecording of documents to change the sequential numbers assigned to a document by the recorder shall not require the document to be executed and acknowledged or verified as a new document.
- C. The instrument, paper, or notice is presented solely to make a minor correction with a corrective affidavit. The corrective affidavit shall satisfy all of the following:
 1. Be attached to the original recorded instrument, paper, or notice.
 2. Set out the information corrected.
 3. Be certified by the party submitting the affidavit under penalty of perjury.
 4. Be acknowledged pursuant to Section 27287.

For purposes of item C, “minor correction” includes any of the following:

- An incorrect or missing address of the party to which the instrument, paper, or notice is to be returned following recording pursuant to Section 27361.6.
- A clarification of illegible text pursuant to Section 27361.7.
- An incorrect or missing printed or typed name of an individual or entity near the signature pursuant to Section 27280.5.
- An incorrect or missing documentary transfer tax amount due pursuant to Section 11932 of the Revenue and Taxation Code.

Each rerecorded instrument, paper, or notice shall include a cover sheet that complies with Section 27361.6 and shall state the reason for rerecording on the cover sheet.

UNIFORM RECORDING RULES COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA

Rules of recording procedure have been adopted by a majority vote of the County Recorders' Association of California to establish uniformity among County Recorders in the acceptance, indexing, processing and return of documents wherever the State laws and codes, court decisions and legal opinions do not specifically control.

The effectiveness of these rules is dependent on the degree of voluntary compliance by each County Recorder.

1. A certified copy of a document must contain all of the information required for recording.
2. All pages of a document shall be filmed.
3. A document should be returned to the filer if one of several acknowledgments or signature lines is incomplete. On request of the filer, it should subsequently be accepted if the signature of at least one principal party is properly acknowledged. A document complete in other respects is sufficient as to that party for recording purposes. (L.A. training manual)
4. Papers not part of the original record shall not be attached to certified copies of recorded documents when these documents are presented for recording. Cover sheets and affidavits executed pursuant to Govt. 27361.7(illegible document), however, may be attached to a certified copy.
5. A document should be accepted for recording even if the acknowledgment is placed before the execution.
6. For information on rerecording, please refer to Basic Document Requirements.
7. The execution of a document transferring title may be used in lieu of an additional signature to the Documentary Transfer Tax declaration provided such tax declaration contains language that so incorporates the execution.
8. The Government Release Fee should be charged on full releases of governmental liens or satisfaction of judgment documents. Partial release or matured installment should be charged the regular recording fee. If multiple releases are contained in a single document and the references to the liens to be released indicate multiple documents the full release shall be charged for each recording reference.
9. Only that portion of a document that is illegible need be copied in order to comply with Government Code 27361.7.
10. An assignment of partnership interest shall be accepted for recording if signed and acknowledged by the assignor.
11. The words "We, the undersigned" or "I, the undersigned" are acceptable in lieu of names in the caption of documents (Childs vs. Newfield 1934).
12. All "exhibits" or "attachments" shall be clearly identified as such and be referenced in and related to the primary document.
13. Purple ink shall be used when certifying copies of Recorders' records. Whenever possible the wording of the certification shall read substantially as follows: "This is a true certified copy of the record if it bears the seal, imprinted in purple ink, of the County Recorder". The words "imprinted in purple ink" should not be placed at the end or beginning of a sentence in order to impede the altering of the copy.

(Rev 12-2016)

2016 Chaptered Bill Analysis

Bill Number:	AB 2143
Chapter Number:	380
Author:	Irwin
Topic:	County recorder: electronic recording
Impact:	Important
Summary:	<p>Expands the definition of authorized submitter for electronic recording to include anyone a county recorder contracts with.</p> <p>Authorizes documents to be submitted as digital documents through electronic recording, which will also allow e-notarization (if authorized in the jurisdiction the document was notarized).</p> <p>Requires the liability insurance for all authorized submitters who were not authorized in the current legislation. The amount of the liability insurance shall be set by the Attorney General through rule or regulation.</p> <p>The electronic recording changes in Sections 27391 and 27393 sunset in 10 years (January 1, 2027).</p> <p>Requires county recorders to include all electronic and paper recorded documents in the yearly statistical report required by Section 27296.</p>
Effect:	Amends Sections 27296 and 27390 of, and amends, repeals, and adds Sections 27391 and 27393 of, the Government Code, relating to electronic recording.
Actions Required:	Inform staff completing the yearly statistical report to include all paper and electronic recorded documents in the total.
Presenter:	Val Wood, San Diego County
Notes:	<p>The California Department of Justice must go through the regulatory process, which is estimated to take 12 to 24 months, before the changes to electronic recording (Sections 27391 and 27393) are operative.</p> <p>The current e-recording laws remain in effect until the regulations are approved and operative.</p>

2016 Chaptered Bill Analysis

Bill Number:	AB 2263
Chapter Number:	881
Author:	Baker
Topic:	Protection of victims of domestic violence, sexual assault, or stalking, and reproductive health care service providers: address confidentiality
Impact:	Information Only
Summary:	Standardizes the confidentiality protections for Safe at Home (SAH) program participants and requires the Secretary of State (SOS) to provide program participants with information about how to protect their privacy on real property records.
Effect:	Adds Sections 6209.5, 6215.10, and 6215.12 to the Government Code, relating to address confidentiality.
Actions Required:	None
Presenter:	Joani Finwall, San Bernardino County
Notes:	<p>Specifically, requires SOS to provide each program participant a notice in clear and conspicuous font that contains all of the following information:</p> <ol style="list-style-type: none">1. Program participant may request to use his or her SOS SAH address on real property deeds, change of ownership forms, and deeds of trust when purchasing or selling a home.2. Program participant may protect his or her home address from disclosure in real property transactions by creating a trust and placing his or her real property into the trust.3. Program participant may change his or her legal name to protect his or her anonymity.4. A list of contact information for entities, such as county bar associations, legal aid societies, domestic violence prevention organizations, state and local

2016 Chaptered Bill Analysis

agencies, or other nonprofit organizations, that may be able to assist program participants in creating a trust or obtaining a name change.

Specifies that no one shall publicly post or display on the internet the home address of a program participant who has made a written demand not to disclose his or her home address.

Specifies that no person, business, or association shall knowingly post the home address of a program participant, or of the program participant's residing spouse or child, on the internet knowing that person is a program participant and intending to cause imminent great bodily harm that is likely to occur or threatens to cause imminent great bodily harm to a program participant.

Recorders may want to make the published information available in their offices.

2016 Chaptered Bill Analysis

Bill Number:	AB 2296
Chapter Number:	144
Author:	Low
Topic:	Digital signatures
Impact:	Important
Summary:	Clarifies the types of electronic signatures that are permissible for public agencies.
Effect:	Amends Section 1633.2 of the Civil Code, and amends Section 16.5 of the Government Code, relating to state government.
Actions Required:	None
Presenter:	Joani Finwall, San Bernardino County
Notes:	Specifically: <ol style="list-style-type: none">1. Provides that a "digital signature," as defined, is considered a type of "electronic signature" under the Uniform Electronic Transactions Act (UETA).2. Clarifies that use of a digital signature is discretionary.3. Clarifies that regulations adopted by the Secretary of State to implement Section 16.5 apply only to a public entity's use of a "digital signature" under the statute and not to any other type of "electronic signature" authorized in the UETA.

2016 Chaptered Bill Analysis

Bill Number:	AB 2406
Chapter Number:	755
Author:	Thurmond
Topic:	Housing: junior accessory dwelling units
Impact:	Important
Summary:	<p>Authorizes a local agency to provide by ordinance for the creation of junior accessory dwelling units, as defined, in single-family residential zones.</p> <p>Requires the ordinance to include, among other things, standards for the creation of a junior accessory dwelling unit, required deed restrictions, and occupancy requirements.</p> <p>Prohibits an ordinance from requiring, as a condition of granting a permit for a junior accessory dwelling unit, additional parking requirements.</p> <p>Requires the recordation of a deed restriction* which shall run with the land and shall be filed with the permitting agency.</p>
Effect:	Adds Section 65852.22 to the Government Code, relating to housing.
Actions Required:	Inform staff
Presenter:	Florence Shimano, Marin County
Notes:	<p>Bill contains an urgency clause to take effect immediately upon enactment.</p> <p>*Notice of Conveyance Restrictions (DRIM page 309) conforms to the basic recording requirements of the deed restriction.</p> <p>Additional requirements of Sections 65852.22(a)(3)(A) and (B) may be considered as legal sufficiency.</p>

2016 Chaptered Bill Analysis

Bill Number:	AB 2450
Chapter Number:	300
Author:	Achadjian
Topic:	Property taxation; contracts with government agencies restricting the use of owner-occupied housing
Impact:	Important
Summary:	Requires contracts with government agencies restricting the use of property for owner-occupied housing available at affordable cost to be recorded.
Effect:	Amends Section 5091 of, and adds Section 402.2 to, the Revenue and Taxation Code, relating to property tax. Imposes a state-mandated local program.
Actions Required:	May need to update DRIM with a document sample and requirements for contracts with governmental agencies that restrict the use of the property to owner-occupied housing.
Presenter:	Wardell House, Santa Clara County

2016 Chaptered Bill Analysis

Bill Number:	AB 2636
Chapter Number:	527
Author:	Linder
Topic:	Certified copies of marriage, birth, and death certificates: electronic application
Impact:	Important
Summary:	<p>Under existing law, a certified copy of a birth, death, marriage, or military service record may only be supplied by the State Registrar, local registrar, or county recorder to an authorized person, as defined, who submits a written, faxed, or digitized image request accompanied by a notarized statement sworn under penalty of perjury that the applicant is an authorized person.</p> <p>Until January 1, 2021, if the request for a certified copy of a birth, death, or marriage record is made electronically, authorizes the official to accept an electronic acknowledgment verifying the identity of the applicant using a multilayered remote identity proofing process.</p> <p>If an applicant's identity cannot be established electronically, requires the applicant to include with his or her request a statement of identity notarized pursuant to existing law.</p> <p>Requires the verification to comply with specified provisions and protect the personal information of the applicant and guard against identity theft.</p> <p>Requires the State Registrar and any city or county that fulfills electronic requests without a notarized statement of identity to report to the Attorney General and the Legislature on or before January 1, 2019, regarding the number and types of requests and the availability of consumer protection mechanisms, as specified.</p> <p>Authorizes the State Department of Public Health to implement procedures relating to electronic verification through an all-county letter or similar instruction from the State Registrar without taking regulatory action.</p>

2016 Chaptered Bill Analysis

Specifically authorizes the department to accept an electronic verification of identity accompanied by an electronic statement sworn under penalty of perjury for the above purposes.

Effect: Amends, repeals, and adds Section 103526 of, and adds and repeals Section 103527.5 of, the Health and Safety Code, relating to vital records.

Imposes a state-mandated local program.

Actions Required: Follow your County's guidelines.

Presenter: Kammi Foote, Inyo County

2016 Chaptered Bill Analysis

Bill Number:	AB 2651
Chapter Number:	471
Author:	Gomez
Topic:	Greenway easements
Impact:	Information Only
Summary:	<p>Changes the manner in which county assessors assess property for taxation purposes by revising the terms of the Greenway Development and Sustainment Act:</p> <ol style="list-style-type: none">1. Allows greenway easements to be used to preserve existing greenways.2. Requires greenway easements that are used to develop new greenways to be consistent with relevant restoration efforts along the urban waterway, if any.3. Allows local governments to designate greenways in the land use element of their general plans.4. Provides that greenways may only include public amenities in “urbanized areas,” as defined by the California Environmental Quality Act.5. Requires greenway easements to be consistent with flood control plans and facilities along urban waterways.
Effect:	Amends Section 816.52 of the Civil Code, and amends Sections 65302 and 65560 of the Government Code, relating to open-space lands.
Actions Required:	None
Presenter:	Bruce Cristall, Riverside County
Notes:	<p>Bill contains an urgency clause to take effect immediately upon enactment.</p> <p>Incorporates amendments enacted by SB 974 and SB 1000.</p>

2016 Chaptered Bill Analysis

Bill Number:	AB 2693
Chapter Number:	618
Author:	Dababneh
Topic:	Financing requirements: property improvements
Impact:	Information Only
Summary:	<p>Requires a residential property owner with 4 or fewer units to complete a financing estimate document and be given the right to cancel within 3 days.</p> <p>Requires a Community Facility District to comply with the same requirements as a residential property owner.</p> <p>Prevents any representation of increased value to the property owner regarding the effects of the financed improvements.</p> <p>Adds a disclosure that the property owner must initial regarding the 10% penalty and late fee imposed if property tax payment is late.</p>
Effect:	Amends Section 53328.1 of the Government Code, and amends Section 5898.15 of, amends, renumbers, and adds Section 5898.16 of, and adds Section 5898.17 to, the Streets and Highways Code, relating to property improvements.
Actions Required:	None
Presenter:	Melinda Greene, Santa Barbara County

2016 Chaptered Bill Analysis

Bill Number:	AB 2761
Chapter Number:	528
Author:	Low
Topic:	Marriage: solemnization
Impact:	Important
Summary:	<ol style="list-style-type: none">1. Expands who may solemnize marriages in California to include:<ul style="list-style-type: none">• A former member of the Legislature or constitutional officer of this state or a former member of Congress from this state.• A person that holds or formerly held a city or county elected office.2. Requires that anyone authorized to solemnize a marriage be at least 18 years old.3. Prevents an elected official from receiving compensation for solemnizing a marriage while holding office.4. Prohibits officials listed in Section 400(b) from solemnizing marriages if they have been removed from office due to committing an offense or convicted of an offense involving moral turpitude, dishonesty or fraud.5. Eliminates the requirement that before a county supervisor, mayor, or city clerk of a charter city, as provided, may solemnize a marriage, he or she must first obtain from the county clerk and review all available instructions for marriage solemnization.
Effect:	Amends Section 400 of, and repeals Section 400.1 of, the Family Code, relating to marriage.
Actions Required:	Inform staff
Presenter:	Bruce Cristall, Riverside County
Notes:	AB 2761 was enacted after SB 875, so Section 1 of SB 875 will not take effect.

2016 Chaptered Bill Analysis

Bill Number:	SB 875
Chapter Number:	211
Author:	Gaines
Topic:	Solemnization of marriage: county sheriff
Impact:	Information Only
Summary:	<p>Would additionally have authorized a county sheriff, while that person holds office, to solemnize a marriage.</p> <p>Would have deleted the requirement that county supervisors, city clerks, and elected mayors obtain and review all available instructions for marriage solemnization before first solemnizing a marriage.</p> <p>Would also have made conforming changes.</p>
Effect:	<p>An act to amend Section 400 of, and repeal Section 400.1 of, the Family Code, relating to marriage.</p> <p>AB 2761 chaptered out this bill.*</p>
Actions Required:	None
Presenter:	Portia Sanders, Los Angeles County
Notes:	<p>*This bill incorporated additional changes to Section 400 of the Family Code proposed by this bill and AB 2761 that would become operative only if both bills were enacted and became effective on or before January 1, 2017, and SB 875 were enacted after (given a higher chapter number than) AB 2761.</p>

2016 Chaptered Bill Analysis

Bill Number:	SB 909
Chapter Number:	425
Author:	Beall
Topic:	Property tax postponement: special needs trust claimants
Impact:	Information Only
Summary:	In reference to ownership interests in residential dwellings, provides that “owned” also includes the interest of a beneficiary of a special needs trust.
Effect:	Amends Section 20583 of the Revenue and Taxation Code, relating to taxation. Imposes a state-mandated local program.
Actions Required:	None
Presenter:	Paula Pesut, Shasta County

2016 Chaptered Bill Analysis

Bill Number:	SB 974
Chapter Number:	366
Author:	Committee on Governance and Finance
Topic:	Local government: omnibus
Impact:	Important
Summary:	<p>Cleans up gender-specific language and outdated business practices in Section 8770 of the Business and Professions Code, related to county recorder storage of survey maps.</p> <p>Amends Section 6107 of the Government Code to add a <i>state</i> or <i>city</i> office that provides veterans' benefits services to the list of parties eligible to receive a certified copy of a military discharge record.</p>
Effect:	<p>Amends Section 8770 of the Business and Professions Code; amends Sections 6107, 8205, 8206, 8213, 8213.5, 8311, 15606.1, 40805, 53087.7, 53601, 65091, 65302, and 67661 of the Government Code; amends Sections 5471, 5473, 5474, 5474.8, and 13822 of the Health and Safety Code; amends Section 22161 of the Public Contract Code; amends Sections 11005, 11005.3, 19201, and 19202 of the Revenue and Taxation Code; amends Sections 2105, 36601, 36606, 36610, 36625, and 36670 of the Streets and Highways Code; and amends Section 7.6 of, and repeals Sections 7.3 and 8 of, the Kern County Water Agency Act (Chapter 1003 of the Statutes of 1961), relating to local government.</p>
Actions Required:	<ul style="list-style-type: none">• Revise application forms for certified copies of military discharge records to include <i>state</i> and <i>city</i> veterans' benefits offices (formerly county offices only).• Inform staff
Presenter:	Florence Shimano, Marin County
Notes:	Portions of this bill were sponsored by CRAC.

2016 Chaptered Bill Analysis

Bill Number:	SB 983
Chapter Number:	170
Author:	Morrell
Topic:	Mortgages and deeds of trust
Impact:	Information Only
Summary:	<p>Existing law requires a mortgagee, beneficiary, or authorized agent to record a rescission of a notice of default or cancel a pending trustee sale, if applicable, upon the borrower executing a permanent foreclosure prevention alternative. And, in the case of a short sale, requires the <i>rescission or cancellation</i> of the pending trustee's sale to occur when the short sale has been approved and proof of funds or financing has been provided, as specified.</p> <p>This bill would make a clarifying change by eliminating the reference to <i>rescission</i> in the case of a pending trustee's sale.</p>
Effect:	Amends Sections 2924c and 2924d of, and amends and repeals Section 2924.11 of, the Civil Code, relating to mortgages.
Actions Required:	None
Presenter:	Joani Finwall, San Bernardino County

2016 Chaptered Bill Analysis

Bill Number: SB 1005

Chapter Number: 50

Author: Jackson

Topic: Marriage

Impact: Information Only

Summary: Under existing law, a reference to “husband” and “wife,” “spouses,” or “married persons,” or a comparable term, includes persons who are lawfully married to each other and persons who were previously lawfully married to each other, as is appropriate under the circumstances of the particular case.

Under existing law, registered domestic partners have the same rights, protections, and benefits, and are subject to the same responsibilities, obligations, and duties under law, whether they derive from statutes, administrative regulations, court rules, government policies, common law, or any other provisions or sources of law, as are granted to and imposed upon spouses.

Existing law requires, where necessary to implement the rights of registered domestic partners, gender-specific terms referring to spouses to be construed to include domestic partners.

The bill:

- Replaces references to a “husband” or “wife” with references to a “spouse.”
- Defines “spouse” as including a “registered domestic partner.”
- Makes other conforming and related changes.

Effect: Amends Section 17537.1 of, and adds Section 14.2 to, the Business and Professions Code; amends Sections 14, 50, .3, 51.11, 682, 682.1, 683, 1099, 1569, and 3390 of the Civil Code; amends Sections 17, 116.540, 371, 703.140, and 704.930 of the Code of Civil Procedure; amends

2016 Chaptered Bill Analysis

Section 1201 of the Commercial Code; amends Sections 158, 704, 5612, 7612, 12482, 25102, and 25206 of, and adds Section 12.2 to, the Corporations Code; amends Sections 21100, 24803, and 68062 of, and adds Section 73.2 to, the Education Code; adds Section 356.5 to the Elections Code; amends Sections 917 and 980 of, and adds Section 215 to, the Evidence Code; adds Section 143 to the Family Code; amends Sections 14860, 18220, 18523, and 22327 of, and adds Section 11.2 to, the Financial Code; amends Section 8552.3 of, and adds Section 9.2 to, the Fish and Game Code; adds Section 36 to the Food and Agricultural Code; amends Sections 9359.9, 9374, 21571, 21572, and 21573 of, and adds Section 12.2 to, the Government Code; adds Section 12.2 to the Harbors and Navigation Code; amends Sections 1373.5, 18080, 25299.54, and 32501 of, and adds Section 12.2 to, the Health and Safety Code; amends Sections 10112, 10121.5, 10320, 10493, and 10494.6 of, and adds Section 12.2 to, the Insurance Code; amends Section 3503 of, and adds Section 12.2 to, the Labor Code; adds Section 19 to the Military and Veterans Code; amends Sections 7, 152.3, 197, 270e, 273.5, 281, 282, 284, 534, 4002, and 13700 of the Penal Code; amends Sections 59, 78, 100, 101, 103, 2407, 5040, 5042, 5203, 6122, 6227, 6240, 13500, and 13600 of, and adds Section 72 to, the Probate Code; adds Section 11005 to the Public Contract Code; adds Section 12.2 to the Public Resources Code; adds Section 12.2 to the Public Utilities Code; amends Sections 17021, 17039, 17045, 17053.5, 17054, 17077, 17555, 18501, 18522, 18530, 18531.5, 18532, 19006, 19035, 19107, 19110, 19701.5, and 20542 of, and adds Section 12.2 to, the Revenue and Taxation Code; amends Section 2804 of, and adds Section 12.2 to, the Streets and Highways Code; amends Section 13003 of, and adds Section 11.2 to, the Unemployment Insurance Code; adds Section 12.2 to the Vehicle Code; adds Section 12.2 to the Water Code; and amends Sections 742.16, 7275, 12003, 14140, and 18291 of, and adds Section 12.2 to, the Welfare and Institutions Code, relating to marriage.

Actions Required: None

Presenter: Monique Blakely, Los Angeles County

2016 Chaptered Bill Analysis

Bill Number: SB 1150

Chapter Number: 838

Author: Leno

Topic: Mortgages and deeds of trust: mortgage servicers: successors in interest

Impact: Information Only

Summary: Existing law imposes various requirements to be satisfied prior to exercising a power of sale under a mortgage or deed of trust. Existing law gives a borrower, as defined, various rights and remedies against a mortgage servicer, mortgagee, trustee, beneficiary, and authorized agent in regards to foreclosure prevention alternatives, as defined, including loan modifications, which is commonly referred to as being part of the California Homeowner Bill of Rights. Existing law defines a mortgage servicer as a person or entity who directly services a loan, or is responsible for interacting with the borrower, and managing the loan account on a daily basis, as specified.

This bill until January 1, 2020, would prohibit a mortgage servicer, upon notification that a borrower has died, from recording a notice of default until the mortgage servicer does certain things, including requesting reasonable documentation of the death of the borrower from a claimant, who is someone claiming to be a successor in interest, who is not a party to the loan or promissory note and providing a reasonable period of time for the claimant to present the requested documentation. The bill would deem a claimant a successor in interest, as defined, upon receipt by a mortgage servicer of the reasonable documentation regarding the status of the claimant as a successor in interest and the claimant's ownership interest in the real property.

The bill would require a mortgage servicer, within 10 days of a claimant being deemed a successor in interest, to provide the successor in interest with information about the loan, as specified. The bill would require a mortgage servicer to allow a successor in interest to

2016 Chaptered Bill Analysis

assume the deceased borrower's loan or to apply for foreclosure prevention alternatives on an assumable loan, as specified. The bill would authorize a mortgage servicer, when there are multiple successors in interest who do not wish to proceed as co-borrowers or co-applicants, to require any non-applicant successor in interest to consent in writing to the application for a loan assumption. The bill would provide that a successor in interest, as specified, who assumes an assumable loan and wishes to apply for a foreclosure prevention alternative has the same rights and remedies as a borrower under specified provisions of the California Homeowner Bill of Rights. The bill would authorize a successor in interest to bring an action for injunctive relief to enjoin a material violation of specified provisions of law and would authorize a court to award a prevailing successor in interest reasonable attorney's fees and costs for the action. The bill would define terms for these purposes and make various findings and declarations.

The bill would deem a mortgage servicer, mortgagee, or beneficiary of the deed of trust, or an agent thereof, to be in compliance with the above-described provisions if they comply with specified federal laws. The bill would exempt certain depository institutions and persons from these provisions, as specified.

Effect: Adds Section 2920.7 to the Civil Code, relating to mortgages and deeds of trust.

Actions Required: None

Presenter: Paula Pesut, Shasta County



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

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Title	AGREEMENT/COVENANT *				
Purpose	To specify agreement to terms and conditions relating to real property				
Requirements	<ol style="list-style-type: none"> 1. Name(s) of party(ies) 2. Description / identification of real property 3. Signature(s) of agreeing party(ies) and any party whose property rights are affected 4. Signature(s) acknowledged 				
Fees	Regular				
Legal References	Civil - 1468 (Covenant) Govt - 27280, 27287 (ack), 27288 (parties affected)				
Comments	* Covenant runs with the land and is binding on successive owners				
<table border="1" style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%; text-align: center;">Local Use</td> <td style="width: 50%; text-align: center;">Ordinances/Opinions</td> </tr> <tr> <td style="text-align: center;">Grantor = All parties signing Grantee = Other parties named</td> <td></td> </tr> </table>		Local Use	Ordinances/Opinions	Grantor = All parties signing Grantee = Other parties named	
Local Use	Ordinances/Opinions				
Grantor = All parties signing Grantee = Other parties named					

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME
ADDRESS
CITY, STATE/ZIP

space above this line for Recorder's use only

Rev. 2017

AGREEMENT

This _____ Agreement ("Agreement") is entered into this _____ day of _____, 20____ between and among _____ and _____

RECITALS

AGREEMENT

NOW, THEREFORE,

Agreeing parties

Dated this _____ day of _____ 20____.

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

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Title	BY-LAWS MUTUAL WATER COMPANY				
Purpose	To evidence the By-Laws of a Mutual Water Company				
Requirements	<ol style="list-style-type: none"> 1. Name of Mutual Water Company 2. Description/identification of real property 3. Authorized signatory(ies) 4. Signature(s) acknowledged 				
Fees	Regular				
Legal References	<p>Corp. 14300</p> <p>Govt - 27287 (ack), 27288 (parties affected)</p>				
Comments	Once By-Laws of a Mutual Water Company are recorded, shares of stock become appurtenant to the affected lands.				
	<table border="1"> <tr> <td>Local Use</td> <td>Ordinances/Opinions</td> </tr> <tr> <td>Index</td> <td>Grantor = Mutual Water Company</td> </tr> </table>	Local Use	Ordinances/Opinions	Index	Grantor = Mutual Water Company
Local Use	Ordinances/Opinions				
Index	Grantor = Mutual Water Company				

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO

NAME

ADDRESS

CITY, STATE/ZIP

Added 2017

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BY-LAWS OF MUTUAL WATER COMPANY

- Article I - Membership
- Article II - Board of Directors
- Article III - Officers and their duties
- Article IV - Books and records and inspection thereof
- Article V - Immunity from Liability of members
- Article VI - Office-Fiscal Year
- Article VII - Amendments

SAMPLE

CERTIFICATION OF SECRETARY

Secretary

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

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Title **Easement**

Purpose
An interest in land owned by another that entitles the holder to a specific limited use, such as laying a sewer, putting up electrical lines or crossing the 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. Certificate of Acceptance if being granted to a political or government agency for public purposes
6. Signature(s) of grantor(s)
7. Signature(s) acknowledged

Document type **may** require a Preliminary Change of Ownership Report and permits \$20.00 penalty per Assessor/Recorder Agreement

Fees Regular fee and possible Documentary Transfer Tax transaction

Legal References
Govt - 27280, 27281 (certificate of acceptance), 27287 (ack)
R & T 480.3 (PCOR), 11932 (DTT)

Comments Document may be drafted as an agreement or a deed.

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

RECORDING REQUESTED BY _____

AND WHEN RECORDED MAIL TO _____

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

space above this line for Recorder's use only _____

TITLE OF DOCUMENT

SAMPLE

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Title	RESCISSION OF DEED
Purpose	To evidence the rescission of a deed by the grantor(s) and grantee(s)
Requirements	<ol style="list-style-type: none"> 1. Name(s) of original grantor(s) 2. Name(s) of original grantees 3. Recording reference to deed * 4. Documentary transfer tax declaration 4. Mailing address - tax statements 4. Signatures of original grantor(s) and grantee(s) 5. Signatures acknowledged <p style="text-align: center;">Document type may require a Preliminary Change of Ownership Report and permits \$20.00 penalty per Assessor/Recorder Agreement</p>
Fees	Regular fee and possible Documentary Transfer Tax transaction
Legal References	Civil - 1688, 1689; Gov't - 27280, 27288 (parties affected), 27287 (ack), 27321.5 (tax statement address), 27361.6 (rec. ref.)
Comments	For Revocation of Deed see Page 139
Local Use	
Index	Ordinances/Opinions
Grantor = Party rescinding/original grantee Grantee = Party rescinding or acquiring/ original grantor	

RECORDING REQUESTED BY _____
 AND WHEN RECORDED MAIL TO _____

NAME _____
 ADDRESS _____
 CITY, STATE/ZIP _____

Added 2017
 space above this line for Recorder's use only _____

RESCISSION 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 time of sale or transfer
 Unincorporated area City of _____

WHEREAS, _____ ("Grantor") executed that certain Grant Deed recorded as Instrument No. _____, Official Records of County of _____ ("Deed"), pursuant to which Grantor granted and conveyed to _____ ("Grantee"), all that certain real property located in the city of _____, California, and more particularly described as _____ County of _____, California, and more particularly described as _____ ("Property"); and



WHEREAS, the parties wish to rescind _____ the _____ encumbrance evidenced thereunder are null and void.

NOW, THEREFORE, Grantor and Grantee hereby rescind the conveyance of said Property and acknowledge that any right, title and/or interest that may have been imputed to the Grantee named in said Deed are null and void. Grantor and Grantee further acknowledge that _____ hereby accepts the rescission of said Deed and the reconveyance of the Property as if the transfer of said Property had never occurred.

Dated: _____

Grantor: _____
 Grantee: _____

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

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Title	REVOCACTION OF DEED
Purpose	To evidence the exercise of the right of revocation reserved in a recorded deed
Requirements	<ol style="list-style-type: none"> 1. Name(s) of party(ies) revoking 2. Name(s) of party(ies) being revoked 3. Recording reference to deed 4. Signature(s) of party(ies) revoking 5. Signature(s) acknowledged
Fees	<p style="text-align: center;">Regular</p> <p style="text-align: center;">* Possible Documentary Transfer Tax Transaction</p>
Legal References	<p style="text-align: center;">Civil - 1229</p> <p style="text-align: center;">Govt - 27280, 27288 (parties affected), 27287 (ack), 27361.6 (rec. ref.)</p>
Comments	* If document includes a grant to new party(ies) it needs to meet "Deed" requirements (Page 34) Also see Rescission of Deed (Page ____)
Local Use	
Index	Ordinances/Opinions
Grantor = Party revoked/original grantee Grantee = Party revoking or acquiring/ original grantor	

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME _____

ADDRESS _____

CITY, STATE/ZIP _____

Rev. 2017

space above this line for Recorder's use only

REVOCACTION OF DEED

I, _____, having executed a Deed to _____, dated _____, 20____, and recorded _____, in Book _____, Page _____, in the Official Records of the County Recorder of the County of _____, and in which Deed the said Grantor reserved the right to revoke said Deed by an instrument in writing, duly acknowledged and recorded, the undersigned Grantor does hereby revoke said Deed and declare that henceforth said Deed shall not have any further force and effect having been revoked by this instrument, executed, acknowledged and recorded.

Dated : _____ Party(ies) Revoking _____

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE