

2019 New Law Workbook

A SUMMARY OF LEGISLATION AFFECTING COUNTY RECORDERS



COUNTY RECORDERS' ASSOCIATION OF CALIFORNIA

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2019 New Law Workbook

Presented by

County Recorders' Association of California

Document Reference and Indexing Manual Committee

Mutual Problems/Uniform Practice Committee

Sacramento, California

December 2-5, 2019

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2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 68
Chapter:	655
Author:	Assembly Member Ting (Coauthor: Assembly Member Gloria) (Coauthors: Senators Skinner and Wiener)
Topic:	Revises the law regarding accessory dwelling units (ADUs) and junior accessory dwelling units (JADUs)
Impact:	Information Only
Summary:	This bill is to ease zoning restrictions against Accessory Dwelling Units, and requires ministerial approval of an ADU permit within 120 days. Allows HCD, to report Findings of noncompliance with the Attorney General.
Effect:	Amends Section 8910 of the California Code, relating local government
Actions Required:	Inform staff
Presenter:	Melinda Greene, Santa Barbara
Notes:	No impact to recording.

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 101
Chapter:	159
Author:	Committee on Budget - Housing development and financing
Topic:	Housing development and financing
Impact:	Important
Summary:	<p>Based on the establishment of the Joe Serna, Jr. Farmworker Housing Grant Program with the disbursement of the initial funds to a grantee, the department shall cause to be recorded, in the office of the county recorder of the county in which the assisted real property is located, a notice of lien executed by the Director of Housing and Community Development. The notice of lien shall refer to the agreement required by this paragraph for which it secures and it shall include a legal description of the assisted real property that is subject to the lien. The notice of lien shall be indexed by the recorder in the Grantor Index to the name of the grantee and in the Grantee Index to the name of the State of California, Department of Housing and Community Development. For manufactured housing, the liens shall be recorded by the department in the same manner as other manufactured housing liens are recorded. The department shall adopt by regulation criteria for the determination of the lien period. This regulation shall take into account whether the property is held by multifamily rental, single-family ownership, or cooperative ownership and whether it is new construction or rehabilitative construction. The lien period for manufactured housing liens for manufactured homes shall not exceed 10 years.</p>
Effect:	<p>An act to amend Sections 30035.7, 65400, 65585, and 65913.4 of, to add Sections 65589.9 and 65589.11 to, and to add and repeal Article 12 (commencing with Section 65660) of Chapter 3 of Division 1 of Title 7 of, the</p>

2019 Chaptered Bill Analysis For 2020 Implementation

Government Code, to amend Sections 50199.8, 50517.5, 50517.6, 50517.7, 50650, 50650.3, 50650.4, 50843.5, and 53545.13 of, to add Chapter 6 (commencing with Section 50216) to Part 1 of Division 31 of, to add Chapter 3.1 (commencing with Section 50515) to Part 2 of Division 31 of, and to add and Part 12.5 (commencing with Section 53559) to Division 31 of, the Health and Safety Code, to add Sections 75218.1 and 75244 to the Public Resources Code, to amend Sections 12206, 17058, 17561, 23610.5, and 24692 of the Revenue and Taxation Code, and to amend Section 8256 of the Welfare and Institutions Code, relating to housing, and making an appropriation therefor, to take effect immediately, bill related to the budget.

- Actions Required:** Inform staff
- Presenter:** David Valenzuela, Ventura
- Notes:** Contains an urgency clause to take effect immediately.

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 212
Chapter:	41
Author:	Bonta
Topic:	Counties: recording fees
Impact:	Major
Summary:	Authorizes the county recorder to use the micrographics trust fund for restoration and preservation of the county recorder's permanent archival microfilm, to implement and fund a county recorder archive program as determined by the county recorder, or to implement and maintain or utilize a trusted system for the permanent preservation of recorded document images.
Effect:	Amends/repeals/adds Sections 12168.7 and 27361.4, of the Government Code, relating local government
Actions Required:	Inform staff
Presenter:	Val Wood, San Diego County
Notes:	Contains a sunset clause. Effective until January 1, 2026,

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 327

Chapter: 43

Author: Maienschein

Topic: Estates and trusts: at-death transfers

Impact: **Information Only**

Summary: Existing law provides that either spouse may enter into any real property transaction with the other or any other person, and in transactions between themselves are subject to the general rules governing fiduciary relationships, which are the same rights and duties governing nonmarital business partners. Existing law provides that this confidential relationship imposes a duty of the highest good faith and fair dealing on each spouse and prohibits each spouse from taking unfair advantage of the other. Existing law exempts certain circumstances from these provisions, including, among others, situations involving waivers of spousal rights.

This bill would additionally exempt at-death transfers between spouses by will, revocable trust, beneficiary form, or other instrument from the above-described provisions and any presumptions of undue influence arising from those provisions. The bill would clarify that other statutory or common law presumptions of undue influence may apply to these transfers.

Effect: An act to amend Section 721 of the Family Code, and to add Section 21385 to the Probate Code, relating to estates and trusts.

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 473
Chapter:	122
Author:	Maienschein
Topic:	Disposition of estate without administration
Impact:	Minor
Summary:	<p>Increases the dollar limit for small estates that can be disposed of without formal probate and decreases the interest owed to a decedent's estate for certain transfers.</p> <p>Increases, from \$150,000 to \$166,250, the maximum value of a decedent's estate for which an affidavit or declaration to collect decedent's personal property outside the formal probate process may be used.</p> <p>Increases, from \$50,000 to \$55,425, the maximum value of all real property in decedent's estate, for which an affidavit to transfer decedent's interest in real property may be used outside the formal probate process.</p> <p>Requires Judicial Council, beginning April 1, 2022 and every three years thereafter, to determine the amount of adjustment, based on the change in the United States city average of the "Consumer Price Index for All Urban Consumers.</p>
Effect:	Amends Sections 6602, 6609, 13050, 13100, 13101, 13111, 13112, 13151, 13152, 13154, 13200, 13206, 13207, 13562, 13563, 13600, 13601, and 13602 of, to add Sections 13117, 13211, and 13565 to, and to add Part 21 (commencing with Section 890) to Division 2 of, the Probate Code, relating to estates.
Actions Required:	Requires DRIM updates to the Affidavit of Estate Not More Than \$150,000 and the Affidavit Re: Real Property of Small Value (\$50,000 or Less)
Presenter:	Lisa Anderson, Riverside County

Notes:

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Title	AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$55,425* OR LESS)
Purpose	To evidence the claim of a successor's interest in real property of small value (\$55,425* or less) upon the death of an owner
Requirements	<ol style="list-style-type: none"> 1. Name of decedent 2. Name(s) of successor(s) 3. Signature of declarant(s) 4. Signature(s) acknowledged 5. Certified by Clerk of the Court <p style="text-align: center; margin-top: 10px;">* This amount adjusts every 3 years beginning 4/1/2022</p>
Fees	Regular
Legal References	Probate - 13200(b) (acknowledgment), 13202 (indexing), 890 (dollar amount adjustment)
Comments	A certified copy from the court clerk may be issued without the attachments.
	Local Use
	Ordinances/Opinions
	Index
	Grantor = Decedent Grantee = Successor in Interest

ATTORNEY OR PARTY WITHOUT AN ATTORNEY (Name, State Bar number, and address) <small>After recording, return to:</small>	SUPERIOR COURT OF CALIFORNIA, COUNTY OF STREET ADDRESS MAILING ADDRESS CITY AND ZIP CODE BRANCH NAME	MATTER OF (Name):
		THIS SPACE FOR RECORDER'S USE ONLY DECEDENT CASE NUMBER:
		AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$55,425* or Less) FOR COURT USE ONLY

Rev. 2019

AFFIDAVIT RE REAL PROPERTY OF SMALL VALUE (\$55,425* or Less)
 is a form prescribed by the Judicial Council of the State of California

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

SAMPLE

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

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 585

Chapter: 123

Author: Limon

Topic: Public lands: oil, gas, and mineral leases

Impact: **Important**

Summary: Existing law vests with the State Lands Commission control over certain public lands. Existing law authorizes, with respect to oil, gas, and mineral leases, the assignment, transfer, or sublet as to all or any part of certain leased or permitted lands, as prescribed, subject to approval by the commission, to any person, association of persons, or corporation, who, at the time of the proposed assignment, transfer, or sublease, possesses certain qualifications. Existing law provides that the commission's approval of any assignment or transfer of a separate portion of any lease or permit, or of a separate or distinct zone or geological horizon, or portion of a separate or distinct zone or geological horizon, releases and discharges the assignor or transferor from all obligations thereafter accruing under the lease or permit with respect to the assigned, transferred, or subleased portion of the lease or permit.

This bill would require an assignment, transfer, or sublease, or a memorandum of an assignment, transfer, or sublease, to be recorded in the office of the county recorder of the county in which the leased or permitted lands are located. The bill would authorize the commission, in considering an approval of an assignment, transfer, or sublease of a lease or permit under those provisions, to consider whether the proposed assignee, as defined, is likely to comply with the terms of the assigned lease or permit for the duration of both the primary term of the original lease or permit and any extended term of the lease because of production, as determined by specified factors.

Effect: An act to amend Section 6804 of, and to add Section

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6829.4 to, the Public Resources Code, relating to public lands.

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	AB 587
Chapter:	657
Author:	Friedman
Topic:	Accessory dwelling units: sale or separate conveyance
Impact:	Information Only
Summary:	<p>The Planning and Zoning Law authorizes a local agency to provide, by ordinance, for the creation of accessory dwelling units in single-family and multifamily residential zones and requires a local agency that has not adopted an ordinance to ministerially approve an application for an accessory dwelling unit, and sets forth required ordinance standards, including that the ordinance prohibit the sale or conveyance of the accessory dwelling unit separately from the primary residence.</p> <p>This bill would authorize a local agency to allow, by ordinance, an accessory dwelling unit that was created pursuant to the process described above to be sold or conveyed separately from the primary residence to a qualified buyer if certain conditions are met. Those conditions include, among others, that the property was built or developed by a qualified nonprofit corporation that is receiving the above-described welfare exemption, a recorded contract exists between the qualified buyer and the qualified nonprofit corporation that imposes an enforceable restriction upon the sale and conveyance of the property that ensures the property will be preserved for affordable housing, and that the property is held pursuant to a recorded tenancy in common agreement that includes specified provisions.</p>
Effect:	An act to add Section 65852.26 to the Government Code, relating to land use.
Actions Required:	Inform staff
Presenter:	David Valenzuela, Ventura
Notes:	

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Bill Number:	AB 677
Chapter:	805
Author:	Choi
Topic:	Intercountry adoption finalized in a foreign country
Impact:	Information Only
Summary:	The bill would require the clerk of the court to submit an order granting the petition to the State Registrar, would require the State Registrar to issue a delayed registration of birth, as specified, and would authorize an adoptive parent to obtain a California birth certificate for that child.
Effect:	An act to amend Section 8904 of, to add Section 8919.5 to, and to repeal and add Section 8919 of, the Family Code.
Actions Required:	Inform staff
Presenter:	Portia Sanders, Los Angeles County
Notes:	No change to current delayed registration process

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Bill Number:	AB 892
Chapter:	310
Author:	Holden
Topic:	Transfers of real property
Impact:	Information Only
Summary:	<p>This bill requires a multiple listing service to retain & make accessible on its computer system, if any, all listing and other information placed in the multiple listing service by an agent or appraiser for no less than 3 yrs from the date the listing was placed. The bill prohibits these provisions relating to multiple listing services from altering the obligations of a licensed real estate broker to retain documents relating to transactions for which a real estate broker license is required, as specified. The bill revises the form for the real estate transfer disclosure statement to include a check box indicating that there are no substituted disclosures for the transfer. Furthermore, the bill makes other changes to existing law regarding the imposition on a real estate broker or salesperson to conduct an inspection of property offered for sale. The bill defines the terms "single-family residential property" and "single-family residential real property" for specified provisions and also makes technical and clarifying changes to related provisions affecting residential real property disclosures.</p>
Effect:	Amends Sections 1088, 1101.4, 1102, 1102.2, 1102.3, 1102.6, 1103.1, 2079, 2079.13, and 2079.14 of the Civil Code, relating to real property.
Actions Required:	None
Presenter:	Paula Pesut, Placer County
Notes:	

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Bill Number: AB 1010

Chapter: 660

Author: Garcia

Topic: Housing programs: eligible entities

Impact: **Information Only**

Summary: Existing law sets forth the general responsibilities and roles of the Business, Consumer Services and Housing Agency, the Department of Housing and Community Development, and the California Housing Finance Agency in carrying out state housing policies and programs. Existing law defines various terms for these purposes, including, but not limited to, the terms “local agency,” “local public entity,” and “nonprofit housing sponsor.”

This bill would expand those definitions, as applicable, to include a duly constituted governing body of an Indian reservation or rancheria, or a tribally designated housing entity, as specified.

(2) Existing law, the Building Homes and Jobs Act, establishes the Building Homes and Jobs Trust Fund in the State Treasury and, upon appropriation by the Legislature, allocates a specified percentage of the moneys in that fund that are collected on and after January 1, 2019, to local governments, as defined. Existing law provides that the moneys in the fund allocated to local governments may be expended for, among other things, the predevelopment, development, acquisition, rehabilitation, and preservation of multifamily, residential live-work, rental housing, as specified.

This bill would expand the definition of “local government,” under these provisions, to include the duly constituted governing body of an Indian reservation or rancheria.

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Effect: An act to amend Sections 50077, 50079, 50091, 50406, 50470.5, 50513, 50517.5, 50530.5, 50669, 50843, 53545.12, and 53545.13 of, and to add Section 50650.8 to, the Health and Safety Code, relating to housing, and making an appropriation therefor.

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes:

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Bill Number:	AB 1106
Chapter:	165
Author:	Smith
Topic:	Los Angeles County: Notice of Recordation
Impact:	Information Only
Summary:	This bill would extend, until January 1, 2030, the authority of the County of Los Angeles to collect a fee, including administrative costs, from party filing a notice of default or notice of sale. The bill would, on and after January 1, 2030, remove the authority for the fee to include administrative costs and the cost of providing information and counseling, as described above.
Effect:	An act to amend Section 27297.6 of, and to amend and repeal Section 27387.1 of, the Government Code.
Actions Required:	No Action Required
Presenter:	Monique Blakely, Los Angeles County
Notes:	

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Bill Number: AB 1130

Chapter: 750

Author: Levine

Topic: Personal information: data breaches

Impact: **Information Only**

Summary: Existing law defines and regulates the use of personal information by public agencies and businesses. The Information Practices Act of 1977 requires a public agency, as defined, that owns or licenses computerized data that includes personal information to disclose any breach of the security of the system following discovery or notification of the breach, as specified. Existing law imposes the same duty on a person or business in California that owns or licenses computerized data that includes personal information and generally requires that such a business implement and maintain reasonable security procedures and practices. Existing law authorizes a person or business that is required to issue a security breach notification to include in that notification specified information.

This bill would revise the definition of personal information for purposes of the provisions described above to add specified unique biometric data and tax identification numbers, passport numbers, military identification numbers, and unique identification numbers issued on a government document in addition to those for driver's licenses and California identification cards to these provisions. This bill would authorize a person or business that is required to issue a security breach notification, as described above, to include in a notification for a breach involving biometric data, instructions on how to notify other entities that used the same type of biometric data as an authenticator to no longer rely on data for authentication purposes.

Effect: An act to amend Sections 1798.29, 1798.81.5, and 1798.82 of the Civil Code, relating to information privacy.

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Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes:

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Bill Number:	AB 1152
Chapter:	188
Author:	Holden
Topic:	Vital Records
Impact:	Information Only
Summary:	This bill would permit a local health jurisdiction that exclusively serves cities to issue a record older than 2 years if the record is the most accurate record on file.
Effect:	An act to amend Section 102365 of the Health and Safety Code.
Actions Required:	No Action Required
Presenter:	Portia Sanders, Los Angeles County
Notes:	Includes the three independent (incorporated) cities that do not fall under the local county guidelines, which are Pasadena, Long Beach and Berkeley.

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Bill Number: AB 1202

Chapter: 753

Author: Chau

Topic: Privacy: Data Brokers

Impact: Information Only

Summary: AB 1202 defines third-party data brokers as businesses that "collect many hundreds or thousands of data points about consumers from multiple sources..and analyzes the data to assess content ...for sale to a third party." Under AB 1202, data brokers must register with the Attorney General annually or face monetary penalties.

This bill requires the Attorney General to maintain a list of registered data brokers on its public website, including brokers' physical addresses, e-mail addresses, and websites. Additionally, the AG's website will provides consumers with the information for each broker that is necessary to opt-out of the sale of consumers' personal information.

Effect: Adds Section 1798.99.80 to Part 4 of Division 3 of the Civil Code,

Actions Required: Inform staff

Presenter: Jodi Olson, Marin County

Notes: Takes effect January 1, 2020. .

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: AB 1485

Chapter: 663

Author: Wicks

Topic: Housing development: streamlining

Impact: **Information Only**

Summary: The Planning and Zoning Law, until January 1, 2026, authorizes a development proponent to submit an application for a multifamily housing development that is subject to a streamlined, ministerial approval process, as provided, and not subject to a conditional use permit, if the development satisfies specified objective planning standards. Existing law requires, among other objective planning standards, that the development be subject to a requirement mandating a minimum percentage of below market rate housing based on one of 3 specified conditions. Existing law requires, among those conditions, a development to dedicate a minimum of 10% of the total number of units to housing affordable to households making below 80% of the area median income, if the project contains more than 10 units of housing and the locality did not timely submit its latest production report to the Department of Housing and Community Development, or that production report reflects that there were fewer units of above moderate-income housing issued building permits than were required for the regional housing needs assessment cycle for that reporting period. Existing law also requires a development proponent to commit to record a land use restriction or covenant providing that any lower income housing units required pursuant to these provisions will remain affordable, as provided.

This bill would modify that condition to authorize a development that is located within the San Francisco Bay area, as defined, to instead dedicate 20% of the total number of units to housing affordable to households making at or below 120% of the area median income with the average income of the units at or below 100% of the

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area median income, except as provided. The bill would prohibit the rent or sale price charged for those units that are dedicated to housing affordable to households between 80% and 120% of area median income from exceeding 30% of the gross income of the household. The bill would make a conforming change by expanding the above-described requirement to commit to record a land use restriction or covenant to also require such a land use restriction or covenant for moderate income housing units, as defined. The bill would provide that a development proponent may use a unit of affordable housing to satisfy the affordability requirements provided by these provisions and any other state or local affordability requirement, as provided.

Effect: An act to amend Section 65913.4 of the Government Code, relating to housing.

Actions Required: Inform staff

Presenter: Melanie Frazer, Shasta

Notes:

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Bill Number:	AB 1819
Chapter:	695
Author:	Committee on Judiciary
Topic:	Inspection of Public Records
Impact:	Major
Summary:	<p>Clarifies that members of the public have a right to make a copy of a disclosable record at no charge by using their own equipment on the premises of the agency as long as the manner of duplication does not require the equipment to make physical contact with the record, unless the means of copy or reproduction would result in damage to the record or unauthorized access to a computer system of the agency or a secured network.</p> <p>Authorizes an agency to impose reasonable limits on the use of the requester's equipment necessary to protect the safety of the records or to prevent the copying of records from being an unreasonable burden to the orderly functions of the agency and its employees.</p> <p>An agency may also impose any limit that is necessary to maintain the integrity of, and ensure the long-term preservation of, historic or high-value records.</p>
Effect:	Amends Section 6253 of the Government Code, relating to public records
Actions Required:	Inform staff
Presenter:	Barbara Dunmore, Contra Costa County
Notes:	None

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Bill Number:	SB 20
Chapter:	240
Author:	Dodd
Topic:	Surplus state property: Napa County Regional Park and Open Space District
Impact:	Information Only
Summary:	Applies the authorization described in existing law to Napa County Regional Park and Open Space District and the County of Napa, and extends the period within which the sale or exchange may be made to January 1, 2026. Makes clarifying changes to an appropriation. Makes legislative findings and declarations as to the necessity of a special statute for Napa County and the Napa County Regional Park and Open Space District.
Effect:	Amends Section 11011.24 of Government Code, relating to surplus state property, and making an appropriation therefor.
Actions Required:	None
Presenter:	Paula Pesut, Placer County
Notes:	

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	SB 30
Chapter:	135
Author:	Wiener
Topic:	Registered Domestic Partnerships
Impact:	Information Only
Summary:	<p>SB 30 eliminates the age limitations that were previously in place for opposite sex couples who wish to form registered domestic partnerships (RDPs.) The law requires the Secretary of State's Office to make RDP forms available on its website, rather than providing forms to County Clerk's offices for distribution.</p> <p>SB 30 requires that the Secretary of State's website must provide an explanation on its forms and website that RDPs and married spouses have the same rights, protections, and benefits, as well as being subject to the same responsibilities and obligations. Additionally under SB30, the Secretary of State's website must provide information about the termination process involved with registered domestic partnerships.</p> <p>The law also requires gendered pronouns be replaced with gender-neutral pronouns on the Secretary of State's website and on forms relating to registered domestic partnerships.</p>
Effect:	Amends Sections 297, 297.1, 298, 298.5, 298.6, 298.7, and 299.2 of the Family Code. It also repeals Section 299.3 for the Family Code as it relates to domestic partnerships.
Actions Required:	Inform staff
Presenter:	Jodi Olson, Marin County
Notes:	Takes effect January 1, 2020.

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: SB 222

Chapter: 601

Author: Hill

Topic: Discrimination: veteran or military status

Impact: **Minor**

Summary: Existing law declares that housing discrimination on the basis of race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, or genetic information is against public policy.

This bill would state findings and declarations of the Legislature regarding the importance of housing for veterans and its priority, and declare that housing discrimination on the basis of veteran or military status is against public policy.

Existing law provides that the opportunity to seek, obtain, and hold housing without discrimination because of specified characteristics is a civil right.

This bill would provide that the opportunity to seek, obtain, and hold housing without discrimination because of veteran or military status is a civil right.

Existing law defines specified terms, including the term “source of income,” in connection with provisions that prohibit discrimination in housing accommodations. Existing law specifies that for the purposes of this definition, a landlord is not considered a representative of a tenant.

This bill would specify that a federal Department of Housing and Urban Development Veterans Affairs Supportive Housing voucher is a source of income. The bill would also specify that for the purposes of this definition, a housing owner is not considered a representative of a tenant.

Existing law authorizes the Department of Fair

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Employment and Housing to issue publications and results of investigations and research that, in its judgment, promote goodwill and minimize or eliminate discrimination in employment and discrimination in housing because of specified characteristics.

This bill would include veteran or military status among the characteristics that apply to the authorization described above.

Existing law authorizes the Department of Fair Employment and Housing, upon the request of certain parties, to provide assistance to communities and persons in resolving disputes, disagreements, or difficulties relating to discriminatory practices based upon specified characteristics.

This bill would authorize the department also to provide this assistance if the dispute, disagreement, or difficulty relates to discriminatory practices based upon veteran or military status.

Existing law prohibits the owner of any housing accommodation, or any person, bank, mortgage company, or other financial institution that provides financial assistance for the purchase, organization, or construction of any housing accommodation, among other persons and entities from, among other things, discriminating against any person because of particular characteristics of that person, including race and gender, as specified.

This bill would prohibit the persons and entities described above from discriminating against any person because of the veteran or military status of that person. The bill would also make other conforming changes.

Existing law requires a county recorder who provides a copy of a declaration, governing document, or deed to any person to place a cover page or stamp on the first page of the previously recorded document stating that if the document contains any restriction based on certain characteristics, that the restriction violates state and federal fair housing laws and is void, and may be removed.

This bill would require the specified language in the cover page or stamp to include the characteristic of veteran or

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military status. By requiring the county recorder to change the cover page or stamp, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

This bill would incorporate additional changes to Section 12927 of the Government Code proposed by AB 1497 and SB 329 to be operative only if either or both of those bills are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 12930 of the Government Code proposed by AB 1820 to be operative only if this bill and AB 1820 are enacted and this bill is enacted last.

This bill would incorporate additional changes to Section 12955 of the Government Code proposed by SB 329 to be operative only if this bill and SB 329 are enacted and this bill is enacted last.

Effect: An act to amend Sections 12920, 12921, 12927, 12930, 12931, 12955, 12955.8, 12956.1, and 12956.2 of the Government Code, relating to discrimination.

Actions Required: Update coverpage or stamp placed on copies issued by County Recorder to include "Veteran" and "Military Status" as a protected class. Update "Restrictive Covenant Modification" form to included "Veteran" and "Military Status" as a protected class. This form is required to be made available by the County Recorder.

Presenter: Danielle Rifilato, Santa Barbara County

Notes: Effective 1/1/2020.

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Title	RESTRICTIVE COVENANT MODIFICATION
Purpose	To allow the recordation of a document to strike out blatant racial, religious, or other restrictive covenants from a previously recorded document after local County Counsel determines such language violates the fair housing laws and is void
Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner 2. Identification of document page number and language in violation 3. Recording reference of document with unlawful restrictive covenant 4. Attached copy of referenced document (must be complete document striking out the unlawful restrictive language) 5. Signature(s) of owner(s) 6. Signature(s) acknowledged 7. Approval by County Counsel
Fees	Regular Fees may be waived at the discretion of the Recorder
Legal References	GOV 12956.2, 12956.2(e) (indexing), 27287 (ack), 27361.6 (rec.ref.)
Comments	The county recorder shall make the Restrictive Covenant modification form available to the public per GOV 12956.2(e)
Index	Modification shall be indexed in the same manner as the original document being modified

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

RESTRICTIVE COVENANT MODIFICATION

(We) _____ have an ownership interest of record in the property located at _____ that is covered by the document described below.

The following referenced document contains a restriction based on race, color, religion, sex, gender, gender identity, gender expression, sexual orientation, marital status, national origin, ancestry, familial status, source of income, disability, veteran or military status, or genetic information as defined in subdivision (p) or Section 12956, or ancestry that violates state and federal fair housing laws and that restriction is void. Pursuant to Section 12956.2 of the Government Code, this document is being recorded solely for the purpose of eliminating that restrictive covenant as shown on page(s) _____ of the document recorded on _____ (date) in Book _____ and Page _____ or Instrument Number _____ of the Official Records of the County of _____.

This modification document shall be indexed in the same manner as the original document pursuant to Government Code Section 12956.2(c). The effective date of the terms and conditions of this modification document shall be the same as the effective date of the original document referenced above.

Signature _____ Printed Name _____

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Approved: _____ Date: _____

By: _____ Deputy County Counsel

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	SB 306
Chapter:	477
Author:	Morrell
Topic:	Mortgages and deeds of trust: trustee substitutions
Impact:	Minor
Summary:	<p>This bill would authorize a trustee to resign or refuse to accept appointment as trustee at that trustee's own election without the consent of the beneficiary or by their authorized agents, under a trust deed upon real property or an estate for years. The bill would require the trustee to give prompt written notice of resignation or refusal to accept appointment to the beneficiary or their authorized agents by mailing, as specified, an envelope containing a notice of resignation of trustee by recording the notice of resignation in each county in which the substitution of trustee under which the trustee was appointed is recorded, and by attaching to the recorded notice an affidavit stating that notice has been mailed to all beneficiaries and their authorized agents, as specified</p>
Effect:	An act to amend Section 2934a of the Civil Code, relating to mortgages.
Actions Required:	New Document - May require system updates and training.
Presenter:	Jaime Pailma, Los Angeles County
Notes:	Substitution of Trustee

2019 Chaptered Bill Analysis For 2020 Implementation

RECORDING REQUESTED BY _____
 AND WHEN RECORDED MAIL TO _____
 NAME _____
 ADDRESS _____
 CITY, STATE, ZIP _____

Rev. 2019
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NOTICE OF RESIGNATION OF TRUSTEE

I/We _____ substituted trustee(s) identified in the Substitution of Trustee recorded on _____, 20____ in Book _____ Page _____ in the Official Records of the County Recorder of _____ County do hereby give notice of the resignation and/or refusal to accept appointment as substituted trustee(s).

Dated: _____ Resigning Trustee(s) _____

SAMPLE

APPROPRIATE ACKNOWLEDGMENT SHOULD APPEAR HERE

Title _____

Purpose _____
 To evidence the resignation or refusal to accept appointment as trustee

Requirements

1. Name(s) of resigning trustee(s)
2. Recorder's reference to substitution of trustee
3. Date of recording of substitution of trustee
4. Affidavit of mailing to all beneficiaries and authorized agents
5. Address at which resigning trustee will be available for at least 5 years
6. Signature(s) of resigning trustee(s)
7. Signature(s) acknowledged

Fees _____
 Regular

Legal References _____
 CIV - 2934a, 27361.6 (rec. ref.)

Comments _____

Index	Local Use
Grantor = Resigning Trustee	Ordinances/Opinions

ODD

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number: SB 308

Chapter: 56

Author: Jones

Topic: Estates and trusts: instrument

Impact: **Information Only**

Summary: Existing law defines “instrument” for purposes of the Probate Code to mean a will, trust, deed, or other writing that designates a beneficiary or makes a donative transfer of property. Existing law, the Trust Law, regulates the creation, modification, and termination of trusts and the administration of trusts by trustees on behalf of beneficiaries.

This bill would revise the definition of instrument under the Probate Code to mean a will, a document establishing or modifying a trust, a deed, or any other writing that designates a beneficiary or makes a donative transfer of property.

Effect: An act to amend Section 45 of the Probate Code, relating to estates and trusts.

Actions Required: Inform staff

Presenter: David Valenzuela, Ventura

Notes:

2019 Chaptered Bill Analysis For 2020 Implementation

Bill Number:	SB 780
Chapter:	329
Author:	Committee on Governance and Finance
Topic:	Local Government Omnibus Act of 2019 - Government Release Fee
Impact:	Major
Summary:	<p>Increases the recording fee for government releases and allows for automatic changes when the base recording fee in Section 27361 changes.</p> <p>...the fee for recording every release of lien, encumbrance, or notice executed by the state, or any municipality, county, city, district, or other political subdivision shall be two times the fee charged to record the first page of a lien, encumbrance, or notice under subdivision (a) of Section 27361, on January 1 of the year the release is recorded if the original lien, encumbrance, or notice was recorded without fee as provided by Section 27383</p>
Effect:	Amends Section 27361.3 of the California Code
Actions Required:	Inform staff, update recording system fees, update fee schedule, notify government customers
Presenter:	Val Wood, San Diego County
Notes:	<p>For most counties, this bill will change the fee to \$20 from the previous \$8.</p> <p>The change does not allow for the surcharges from 27361.4</p>

Miscellaneous Additions, Corrections,
and Amendments to the Document
Recording and Indexing Manual (DRIM)

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Title	MILITARY DISCHARGE
Purpose	To evidence the military record of a separated (discharged) member
Requirements	<p>1. Original or certified copy of completed DD-214 form or other separation documents Please Note: Due to the fact that these records will no longer be kept in a public index, a signed cover sheet is no longer required.</p> <p>Pursuant to AB 331 (Chapter 399), effective 1/1/2018, if any military veteran or any person authorized to receive a certified copy of a record pursuant to paragraph (2) of subdivision (b) of section 6107 requests the recordation in any county in this state of any military discharge document, including a veteran's service form DD 214, the county shall record the document and maintain the document information in a nonpublic index.</p> <p>PHS form 1867, verification of status of commissioned officers of the U.S. Public Health Service may also be recorded.</p>
Fees	Free
Legal References	<p>Govt - 6107, 27381 (fee); 27337</p> <p>V. A. requires 'member 4" copy for benefits</p>
Comments	<p>Pursuant to AB 331 (Chapter 399), effective 1/1/2018:</p> <p>The index of a recorded veteran's service form DD214, provided that it was recorded on or after January 1, 1980, shall be moved to a nonpublic index at the request of the military veteran or the person authorized to receive a certified copy. Only the military veteran, or the person authorized to receive a certified copy in GC 6107 (b) (2) may receive a copy of the recorded document contained in the nonpublic index.</p>
Index	Ordnances/Opinions
Grantor = Veteran	

RECORDING REQUESTED BY _____
 AND WHEN RECORDED MAIL TO _____

NAME _____
 ADDRESS _____
 CITY, STATE/ZIP _____

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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			
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		16. HIGH SCHOOL GRADUATE OR EQUIVALENT	17. DAYS ACCRUED LEAVE PAID
18. REMARKS		SAMPLE	
19. MAILING ADDRESS AFTER SEPARATION		20. MEMBER REQUESTS COPIES 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	

Notice of Intended Transfer of Retail Alcoholic Beverage License

Title	NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE
Purpose	To evidence compliance with public notice requirements for the transfer of a retail alcoholic beverage license and to provide certified proof thereof.
Requirements	<ol style="list-style-type: none"> 1. Name(s) and mailing address(es) of licensee(s) 2. Name(s) and mailing address(es) of transferee(s) 3. Type of license to be transferred 4. Address of premises of licensee 5. Name(s) and address(es) of escrow holder or guarantor 6. Place of sale 7. Description of total purchase price 8. Signature(s) of transferor(s) and transferee(s)
Fees	Regular
Legal References	B & P - 24073
Comments	ABC Form 227 - A, certified copy of recorded notice plus an additional copy must accompany application to Alcoholic Beverage Control (ABC) for transfer of license Transferee records in the office of the county recorder of the county or counties in which the premises to which the license has been issued are situated.
Index	Local Use
	Ordinances/Opinions
	Grantor = Transferor, Business name (if given)

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

Rev. 2019

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**NOTICE OF INTENDED TRANSFER OF RETAIL ALCOHOLIC BEVERAGE LICENSE
UNDER SECTIONS 24073 & 24074 CALIFORNIA B&P CODE**

1. LICENSEE'S NAME(S) _____ MAILING ADDRESS IF DIFFERENT _____
PREMISES ADDRESSES TO WHICH THE LICENSE(S) HAS (HAVE) BEEN ISSUED

2. INTENDED TRANSFEREE(S) NAME(S) _____ ADDRESS _____ ZIP CODE _____

SAMPLE

3. KIND OF LICENSE(S) INTENDED TO BE TRANSFERRED (NAME AND NUMBER) _____

4. NAME AND ADDRESS OF ESCROW HOLDER OR GUARANTOR _____

5. Total consideration to be paid for the business and license (to include inventory whether actual cost, estimated cost, or not to exceed amount)

Cash	\$	
Checks		
Promissory notes		
Tangible and/or intangible property		
TOTAL AMOUNT		\$

6. The parties agree that the consideration for the transfer of the business and the license(s) is to be paid only after the Department of Alcoholic Beverage Control has approved the proposed transfer. The parties herein also agree and direct the above named escrow holder to make payment or distribution within a reasonable time after the completion of the transfer of the license(s) as provided in Section 24074 of the California Business and Professions Code.

TRANSFEROR'S SIGNATURES _____ TRANSFEREE'S SIGNATURES _____

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Title
SUBDIVISION MAP

Purpose
To delineate the division of real property

Requirements

- Drawing and certificate must be legible and in permanent black ink or printed or reproduced, using permanent black ink on tracing cloth or polyester base film
- 18" x 26" in size with a 1" margin
- Evidence of ownership (title guarantee)
- Certificate of owner(s) signature(s) listed on title guarantee*
- Signature of beneficiary(ies) OR trustee(s), if Deed of Trust is listed on title guarantee**
- Signatures(s) acknowledged**
- Certificate of Tax Security by Authorized Officer*
- Certificate of approval signed and sealed by City Engineer OR County Surveyor
- Certificate by Clerk of Board / City Clerk
- Certificate of Recorder

Fees
Map filing fee

Legal References
Govt. - 66464-66469 (evidence of ownership) (certificate of recorder), 66434 (form), 27372 (fee), 66436(c) (notary seal), 66468.1 (cross-reference separate document), 66450 (engineer/surveyor certification format)
Pursuant to GC 66466 (a), the recorder shall not have more than 10 days to examine a final or parcel map and either accept or reject it for filing.

Comments
* May be on map or by separate certificate
** Typed / printed notary's name, county and expiration date may appear in lieu of notary seal

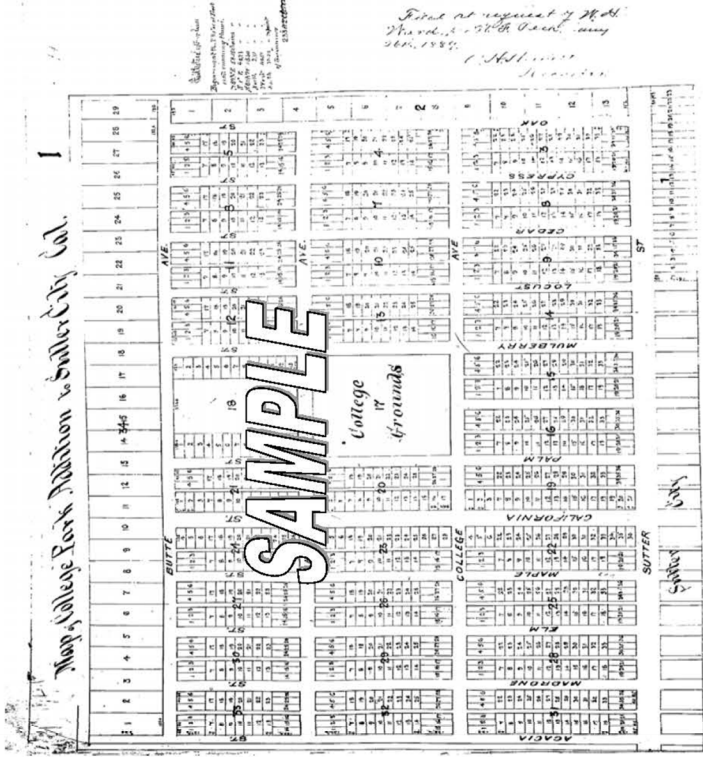
Local Use
Ordinances/Opinions
Index
Grantor = Owner,
Subdivision (if given)

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME
ADDRESS
CITY, STATE/ZIP

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Notice of Non-Responsibility

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Title	NOTICE OF NON - RESPONSIBILITY
Purpose	To evidence that an owner of a real property interest will not be responsible for payment of costs of improvements contracted for thereon by some other person
Requirements	<ol style="list-style-type: none"> 1. Name(s) and nature of interest of owner 2. Description / identification of real property 3. Name of purchaser(s) under contract, if any, or lessee(s), if known 4. Statement of non-responsibility 5. Signature(s) of owner(s) / agent(s) 6. Verification
Fees	Regular
Legal References	CC - 8444, 8066 (agent) CCP - 2003 (oath), 2016.5 (unsworn statement)
Comments	Generally used by an owner to disclaim responsibility for work or material contracted for by a lessee
Index	Grantor = Owner, Purchaser / Lessee

RECORDING REQUESTED BY
AND WHEN RECORDED MAIL TO

NAME _____
ADDRESS _____
CITY, STATE/ZIP _____

Rev. 2019

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NOTICE OF NON - RESPONSIBILITY

NOTICE is hereby given that my name is _____
and that I am _____
in the following described site :

SAMPLE

That _____ purchaser _____ under contract of said property.

That _____ Lessee of
said property _____

That within 10 days I have obtained knowledge that a work of improvement is being constructed on the described real property (site).

That I will not be responsible for any claim rising from the work of improvement.

Dated : _____ Owner(s) or Claimant(s) of Interest _____

APPROPRIATE VERIFICATION SHOULD APPEAR HERE

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, 27283, and 27285.

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

1. DEFINITIONS

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

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

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

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

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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 Records for documents executed after December 31, 2014:

<p>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 that document.</p>
<p>State of California County of _____</p>
<p>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.</p>
<p>I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.</p>
<p>Witness my hand and official seal.</p>
<p>Signature _____ (Seal)</p>

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

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 | Pacific Trust Islands |
| Guam | Puerto Rico |
| Johnston Island | Virgin Islands |
| Midway Islands | |

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

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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 country where the acknowledgment was taken.

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

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

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

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

Authentication, by Apostille, is only acceptable if the Apostille originated in a country that has signed the Hague Convention 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

Please note: Apostilles can be accepted from both Member[®] and "non-Member[®]" states.

HAGUE CONVENTION CONTRACTING COUNTRIES

As of February, 2015, the following nations adhere to the requirements of the Hague Convention:

Albania	Fiji	Netherlands	Tajikistan
Andorra	Finland	Extended to:	The Former Yugoslav Republic of Macedonia
Antigua and Barbuda	France	Aruba	Tonga
Argentina	Georgia	Bonaire	Trinidad and Tobago
Armenia	Germany	Curacao	Turkey
Australia	Greece	Saba	Ukraine
Austria	Grenada	Sint Eustatius	United Kingdom (England, Scotland, Wales, Northern Ireland)
Azerbaijan	Guatemala (EIF 09/18/2017)	Sint Maarten	Extended to:
Bahamas	Honduras	New Zealand	Anquilla
Bahrain	Hungary	Nicaragua	Bermuda
Barbados	Iceland	Niue	British Antarctic Territory
Belarus	India	Norway	Cayman Islands
Belgium	Ireland	Oman	Falkland Islands
Belize	Israel	Panama	Gibraltar
Bosnia and Herzegovina	Italy	Paraguay	Guernsey, Bailiwick of
Botswana	Japan	Peru	Isle of Man
Brazil (Effective 8/14/16)	Kazakhstan	Poland	Jersey
Brunei Darussalam	Korea, Republic of	Portugal	Montserrat
Bulgaria	Kosovo	Republic of Moldova	Saint Helena
Burundi	Kyrgystan	Romania	Turks and Caicos Islands
Cape Verde	Latvia	Russian Federation	Virgin Islands (British)
Chile	Lesotho	Saint Kitts and Nevis	Uruguay
China, People's Republic of	Liberia	Saint Lucia	USA (50 states)
China (Hong Kong)	Liechtenstein	Saint Vincent and the Grenadines	Subdivisions:
China (Macao)	Lithuania	Samoa	American Samoa
Colombia	Luxembourg	San Marino	District of Columbia
Cook Islands	Malawi	Sao Tome and Principe	(Washington D.C.)
Costa Rica	Malta	Serbia	Guam
Croatia	Marshall Islands	Seychelles	Northern Mariana Islands
Cyprus	Mauritius	Slovakia	Puerto Rico
Czech Republic	Mexico	Slovenia	Virgin Islands of the U.S.
Denmark	Monaco	South Africa	Uzbekistan
Dominica	Mongolia	Spain	Vanuatu
Dominican Republic	Montenegro	Suriname	Venezuela
Ecuador	Morocco	Swaziland	
El Salvador	Namibia	Sweden	
Estonia		Switzerland	

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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 acknowledgment taken in a foreign country is in a foreign language an English translation 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:

_____(name), 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.

WITNESSES

9. PROOF OF EXECUTION – CC 1195 (a)

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 or reconveyance is permitted.

a. Proof by subscribing witness (CC – 1196, 1197)

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.

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

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

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 that 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 of officer)

[Seal]

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

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

10. VERIFICATION

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

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

(Notary Signature) _____
(Seal/)

ACKNOWLEDGMENTS, PROOFS AND VERIFICATIONS (cont.)

A-8

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."

____ (Date and Place) _____ (Signature)

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."

____ (Date and Place) _____ (Signature)

Determining Sufficiency of Granting Clauses, Signatures, Acknowledgments & Verifications

Disclaimer: In an effort to establish uniformity amongst the County Recorders, this information is intended to assist with determining sufficiency for documents submitted for recordation. It will be up to each County Recorder to determine the best course of action.

The following variances may be ignored:

John W. Jones
J. W. Jones
John W. Jones
John Jones
J. W. Jones
J. W. Jones
M. F. Jones
M. Jones
John Jones and Mary Jones

J. W. Jones
John W. Jones
John Jones
J. W. Jones
John Jones
M. Jones
M. F. Jones
John and Mary Jones

The absence of a middle name or initial may be ignored. However, a conflict in such must be corrected:

John J. Jones

J. R. Jones

Recognized abbreviations such as Dan for Daniel, Ed for Edward, Tom for Thomas, Co. for Company, Corp. for Corporation, Inc. for Incorporated, etc. may be ignored.

All inclusions **OR** omissions of Mr., Mrs., Dr., Sr., Jr., or M.D., etc. may be ignored. However an obvious conflict must be corrected:

John W. Brown, Sr.

John W. Brown, Jr.

Please Note: When a document is rejected for a conflict in the name (example: there is an unacceptable variance between the name in the granting clause, the typed or printed name at the signature point, and the name in the acknowledgment, please let the customer know that only the officer that completed the acknowledgment may make changes to the information contained within the acknowledgment certificate. Alterations made by the customer to the granting clause and the typed or printed name at that signature point are ok to accept. However, it will be up to the customer, the preparer of the document and/or their legal advisor to decide the best course of action to take in order to correct the document.

Additional Notes:

Per the U.S. Notary Reference Manual, for California it states that the certificate of acknowledgment, including the signature and impression of the official seal, must be completely on one page. The official seal is not to be stamped on a separate page of the document. For other states you will need to review the manual regarding this issue.

You may disregard the strike out clauses in the acknowledgment if they are marked incorrectly or not marked at all (examples: is/are, he/she/they, capacity(ies))

Notice of Lien – Department of Housing & Community Development

EVEN

Title	NOTICE OF LIEN - DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Purpose	To evidence a lien against a particular piece of real property pursuant to an agreement between the agency and owner
Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s) 2. Legal description 3. Signature of Department of Housing and Community Development 4. Signature Acknowledged
Fees	Free
Legal References	H&S - 50517.5 (c) (4) (C) & (D) Govt - 27287 (ack)
Comments	Pursuant to H&S 50517.5 (c) (4) (D), a subordination of the lien may also be recorded by the department.
Index	Local Use
Ordinances/Options	Grantor = Owner(s) Grantee = State of California, Department of Housing and Community Development

RECORDING REQUESTED BY _____
 AND WHEN RECORDED MAIL TO _____

NAME _____
 ADDRESS _____
 CITY, STATE, ZIP _____

Rev. 2019
 space above this line for Recorder's use only _____

TITLE OF DOCUMENT

SAMPLE

DOCUMENT SAMPLE IS UNDER DEVELOPMENT

EVEN

Title	RELEASE OF NOTICE OF LIEN - DEPARTMENT OF HOUSING & COMMUNITY DEVELOPMENT
Purpose	To evidence a release of lien against a particular piece of property
Requirements	<ol style="list-style-type: none"> 1. Name(s) of owner(s) 2. Recording reference to the notice of lien 3. Signature of Department of Housing and Community Development 4. Signature acknowledged
Fees	Government Release Fee
Legal References	H&S 50517.5 (c) (4) (C) & (D), Govt - 272881.1 (name), 27361.3 (fee), 27361.6 (rec ref), 27287 (ack)
Comments	
Index	Local Use
Ordinances/Options	Grantor = State of California, Department of Housing and Community Development Grantee = Owner(s)

RECORDING REQUESTED BY _____
 AND WHEN RECORDED MAIL TO _____

NAME _____
 ADDRESS _____
 CITY, STATE, ZIP _____

space above this line for Recorder's use only

Rev. 2019

TITLE OF DOCUMENT

SAMPLE

DOCUMENT SAMPLE IS UNDER DEVELOPMENT