Overview on How to Change Owners of Real Property in California Tip Sheet by Mark W. Bidwell

*California law dictates how to change owners of real property located in California. Tip Sheet by Mark W. Bidwell, a licensed attorney, provides a bird’s eye view of the process.*

HUNTINGTON BEACH, Calif. (PRWEB) July 25, 2019 -- How to change owners of real property is determined by California law. California law assigns responsibility to maintain a database of owners to the counties. Each County has one government agency known as the county recorder, to carry out this task. This Tip Sheet by Mark W. Bidwell provides an overview of the process.

Data on who is the rightful owner of real property, also known as real estate, in California is maintained by the county where the real property is located. Change in owners to this database while a real property owner is living is by deed. A deed is a paper signed by the current owner with specific wording that transfers ownership from a living owner to a new owner.

Deeds are either “grant deeds” or “quit claim deeds.” Grant deeds are also referred to as warranty deeds. The owner who transfers real property to a new owner with the word grant, guarantees the current owner is the true owner and that the current owner has disclosed all debts and liens secured by the real property to the new owner. A quit claim deed transfers ownership “as is” with no guarantees of valid ownership or disclosure of debt.

Change of owners after a real property owner has died is by either an affidavit or an order from probate court. Affidavits are permitted under California law when there is either a surviving joint owner, a successor trustee or real property valued at less than $50,000. An affidavit is a declaration under penalty of perjury the fact the owner has died and who is the rightful surviving owner or in the case of a trust, the rightful successor trustee.

An order from probate court is needed for real property valued in excess of $50,000 that is owned by a person who has died without a co-owner, a trust or a transfer on death deed. A court order is obtained after filling a petition in probate court, service of a copy of the petition to heirs and beneficiaries and one or two probate court hearings. The court order transfers ownership from the deceased to his or her heirs. The court order is submitted to the county recorder to update the database maintained by the county.

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