

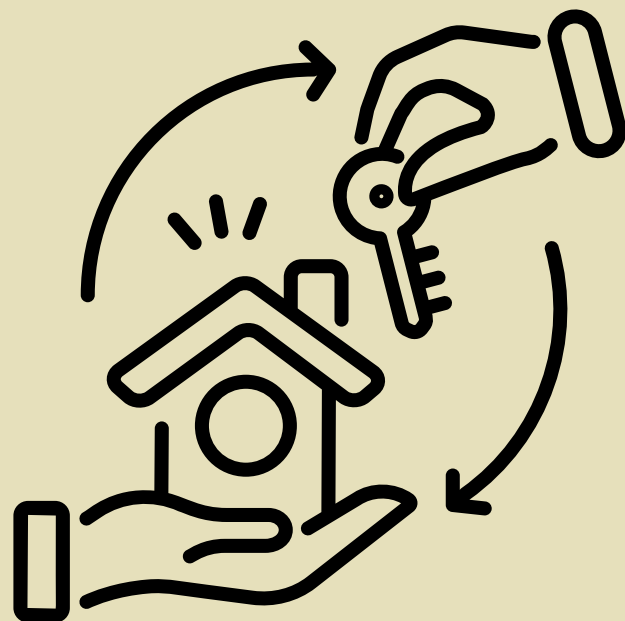


Adding or Changing a Name on Property in Alameda County



Definitions

- **Title:** Legal ownership of the property.
- **Take Title:** Legally acquire ownership of the property.
- **Deed:** Document that transfers title.
- **Grantor:** Title holder who is transferring or adding someone to the title.
- **Grantee:** Person who the property is being transferred to.



All title changes must be recorded with the county recorder

When a property owner wants to modify real estate ownership, they must file ("record") the updated information with the County Recorder's Office in the county where the property is located. This process ensures the change becomes part of the official public record.

To change or add a name to a property:

- The current owner must draft and sign a legally formatted document before a notary.
- This document must include specific language required by California law to ensure a valid transfer of ownership.
- Transfers are typically done through a deed, but the wording depends on the owner's intent.
- Additional county forms will be required, including those related to property taxes.

A new deed needs to be recorded when:

- Adding a name to ownership of property, including when the owner legally changes his or her name.
- Removing an owner of property, such as when the property is sold, owners have divorced, or the owner is making a gift of property rights to another person.

**Alameda County Clerk-Recorder Office:
1106 Madison St Ste 100, Oakland, CA
94607**

**Contact Customer Service at
(510) 272-6362 or email
CROCustomerService@acgov.org**

Deeds

To add someone to title, you will need to choose which type of deed to use.

There are various types of deeds, most commonly used include:

- **Grant Deed**

- A grant deed allows a current property owner to transfer ownership or add another person to the deed.
- With a grant deed, the grantor makes two key promises:
 - (1) They legally own the property.
 - (2) There are no hidden liens or mortgages on the property.
- Common Uses of a Grant Deed:
 - Selling or gifting real estate
 - Adding another owner to the title
 - Transferring property into or out of a trust
 - Changing the form of ownership (e.g., from joint tenancy to community property)
 - Updating the owner's name after a legal name change

- **Quit Claim Deed**

- A quitclaim deed allows a person to give up any interest they may have in a property, without guaranteeing that they actually own it or that the title is free of legal issues.
- This type of deed is commonly used in situations where trust exists between the parties, such as transfers between family members or ex-spouses. It provides a fast and simple way to transfer ownership but offers no protections for the recipient if there are title problems.
- Common Uses for a Quitclaim Deed:
 - Transferring property to an ex-spouse after a divorce
 - Waiving any claim to a spouse's separate property
 - Waiving any potential inheritance rights

Additional deed types may also be used for different circumstances such as an **Interspousal Deed** (used between spouses/domestic partners to change real estate to or from community property), or **Personal Representative's Deed** (used during probate when the administrator of an estate (and not the owner) is transferring the title to real property to another individual)

Taking Title

There are various ways to hold title, and choosing the right one is important, as it can have significant legal implications for the owners of the property:

Depending on the deed, there will be a section where you can specify how the grantees will hold title.

- Ways to take title if there is only one unmarried owner:
 - Title can be left blank
- Ways to take title if there is more than one owner:
 - **Tenants In Common:** Each owner holds a separate share of the property, which does not have to be equal. When an owner passes away, their share is inherited by their heirs, and probate may be required. Any owner can sell or mortgage their portion independently
 - **If Title is left blank: the default way to take title with two or more people who are not married is tenants in common.**
 - **Joint Tenants:** Ownership shares must be equal, and when one owner dies, their share automatically transfers to the surviving owner(s). Any owner can sell or mortgage their portion but doing so converts the ownership into tenants in common.
 - If title is taken this way and the owners are a married couple, the surviving owner may receive less favorable tax treatment when the first spouse dies.
- Ways to take title if owners are a married couple:
 - **Community Property:** Both owners must agree to sell or mortgage the property. Upon death, the deceased's share is typically divided between the surviving spouse/domestic partner and their heirs, often requiring at least a summary probate.
 - **If Title is left blank: the default way to take title with two or more people who are married is Community Property.**
 - **Community Property with Rights of Survivorship:** Both owners must agree to sell or mortgage the property. Upon death, full ownership automatically transfers to the surviving spouse or domestic partner without the need for probate.
 - **Joint Tenants:** Please see above.



There are Potential Legal effects regarding choice of title as well as tax implications when adding or changing owners to property.

**This can include but is not limited to reassessment of property raising annual property taxes;
higher capital gains taxes when an owner sells;
How the property is divided in a divorce;
Whether a lien can be placed on property or be foreclosed on for one of the owners' debts; etc.**

This information goes beyond the purposes of these slides, but you can take a look at the resources listed at the end of this slide deck for more information.

Drafting a deed

- **You will need the following information from the current deed:**
 - Assessor's Parcel Number (APN).
 - Legal description of property.
 - Names of "grantors" (the current owner(s) signing the deed) or of the disclaiming party(ies). (Enter the name(s) as spelled on the current deed.)
- **You will also need the following:**
 - Document Transfer Tax amount or exemption code. (Calculate or enter applicable exemption)
 - Names of "grantees." (Enter all the intended owners, including any current owners who will still own the property).
 - Form of title the grantee(s) will use.
- **Grantor(s) Sign in Front of a Notary**
- **Additional Notes:**
 - The new owners do not need to sign
 - If you add a name, that person legally becomes an owner.



If you need a copy of the current deed, contact or visit the Alameda County Recorder's Office.

Copies of the document itself must be obtained from the Recorder's Office Public Records Room.

If you are unsure who currently owns a piece of property, as can happen when a death, a sale, or divorce has occurred, start with the Alameda County Assessor's Office at Room 145, 1221 Oak Street, Oakland. The Assessor's Office information will tell you who last paid taxes on the property.

APN can also be found at the County Assessor's Office

The Alameda County Clerk Recorder Office has a webpage on [Real Property Sales & Transfers Documentary Transfer Tax](#) with information on taxes and exemptions

Additional Forms and Fees

- **Preliminary Change of Ownership Report (PCOR)**

- When property changes owners, the County Assessor's Office has a form that must be filed to update the tax records. You can submit this form when you go to record your deed at the Alameda County Clerk-Recorder's Office. It is forwarded to the Assessor's Office.
- The PCOR has detailed questions you will need to review and answer. The County Assessor's office will review the transfer for property reassessment/taxation purposes

- **Record the deed**

- Alameda County Clerk-Recorder's Real Property Recording Office along with a Preliminary Change of Ownership Report (PCOR.)

- **Pay any applicable fees**

- **File reassessment exclusion claim, if any, at the Assessor's Office.**

The Preliminary Change of Ownership Report [Form Number BOE-502-A) can be found on the Alameda County Assessor's Office website <https://www.acassessor.org/>



EF-502-A-R18-0523-01000830-1
BOE-502-A (P1) REV. 18 (05-23)

**COUNTY OF ALAMEDA
PHONG LA, ASSESSOR**

1221 Oak St., Rm 145
Oakland, Ca. 94612-4288
(510) 272-3787 Fax (510) 272-3803
www.acgov.org/assessor

PRELIMINARY CHANGE OF OWNERSHIP REPORT

To be completed by the transferee (buyer) prior to a transfer of subject property, in accordance with section 480.3 of the Revenue and Taxation Code. A Preliminary Change of Ownership Report must be filed with each conveyance in the County Recorder's office for the county where the property is located.

NAME AND MAILING ADDRESS OF BUYER/TRANSFEEE
(Make necessary corrections to the printed name and mailing address)

ASSESSOR'S PARCEL NUMBER

SELLER/TRANSFEROR

BUYER'S DAYTIME TELEPHONE NUMBER
()

BUYER'S EMAIL ADDRESS

STREET ADDRESS OR PHYSICAL LOCATION OF REAL PROPERTY

YES NO This property is intended as my principal residence. If YES, please indicate the date of occupancy or intended occupancy. MO DAY YEAR

YES NO Are you a 100% rated disabled veteran who was compensated at 100% by the Department of Veterans Affairs or an unmarried surviving spouse of a 100% rated disabled veteran?

MAIL PROPERTY TAX INFORMATION TO (NAME)

MAIL PROPERTY TAX INFORMATION TO (ADDRESS) CITY STATE ZIP CODE

PART 1. TRANSFER INFORMATION Please complete all statements.

YES NO This section contains possible exclusions from reassessment for certain types of transfers.

YES NO A. This transfer is solely between spouses (addition or removal of a spouse, death of a spouse, divorce settlement, etc.).

YES NO B. This transfer is solely between domestic partners currently registered with the California Secretary of State (addition or removal of a partner, death of a partner, termination settlement, etc.).

YES NO *C. This is a transfer: between parent(s) and child(ren) between grandparent(s) and grandchild(ren).

Was this the transferor/grantor's principal residence? YES NO
Is this a family farm? YES NO

YES NO *D. This transfer is the result of a cotenant's death. Date of death _____

YES NO *E. This transaction is to replace a principal residence owned by a person 55 years of age or older.

YES NO *F. This transaction is to replace a principal residence by a person who is severely disabled.

Resources

- **Property Transfer Clinic**
 - Clinics are held on the third Friday of each month.
 - Appointments can be made at:
<https://appointments.aclibrary.org/appointments/Property>
- **Deeds: Adding or changing names on real estate**
 - Available at the Reference Desk.
 - Call Number: KFC170 .A43 2018
- **Nolo Press: Deeds for California real estate**
 - Call Number: KFC170 .R36 2010
- **Sacramento County Law Library Resource: Adding or Changing Names on Property (Completing and Recording Deeds)**
 - Guide can be found on Sacramento County Law Library website
- **Recordable forms are available at the Alameda County Law Library**