



## Property Transfer Documentation Requirements

The County Recorder maintains a wide variety of public documents related to land transactions in Tulare County. These recorded documents are often used to determine the ownership and history of real property.

Whenever a property changes ownership, documents should be submitted to the Recorder's Office to create a record of new ownership.



### COMMONLY RECORDED DOCUMENTS WHEN TRANSFERING PROPERTY

A **Deed** is a document that transfers ownership of real property. It contains the names of the old and new owners, a legal description of the property, and is signed by the person transferring the property. A transfer of real estate must be in writing to be enforceable.

#### TWO COMMON TYPES OF DEEDS

A **Grant Deed** transfers ownership and guarantees that the title has not already been transferred to someone else or been encumbered, except as set out in the deed.

A **Quitclaim Deed** transfers whatever ownership interest a person has in a property. It makes no guarantees about the extent of the person's interest.

A **Deed of Trust** is usually recorded with a deed as most property transfers involve financing. A deed of trust secures the repayment of a loan with real estate by involving three parties: the borrower, the lender and the trustee. In the event that the borrower defaults on the terms of the loan and fails to pay the lender, real property interest would be transferred to a third party trustee.

*All deeds transferring ownership must be accompanied by a Preliminary Change of Ownership Report (PCOR).*

### OTHER RECORDED DOCUMENTS RELATED TO PROPERTY

**Reconveyance:** Recorded when a deed of trust or mortgage is paid in full.

**Substitution of Trustee:** Recorded when the present loan borrower wants to substitute a new trustee under the Deed of Trust.

**Lien:** An encumbrance that makes property the security for the payment of a debt or discharge of an obligation. (If you have received a copy of a lien or a Notice of Tax Lien from our office, contact the person or agency that filed the lien. By law, we cannot make any changes on a lien document.)

## Want to search Tulare County records?

*Documents recorded with our office are public records. You are welcome to conduct your search at our office or online.*

**Search Online:** The online portal on our website can help you locate documents recorded in Tulare County. You can search by name, document number, or document type. Go to [tularecounty.ca.gov/assessor/county-clerk-recorder/](http://tularecounty.ca.gov/assessor/county-clerk-recorder/) and click Official Records Search. To obtain copies of recorded documents, you can do so online, in person or by mail.

**In Office:** Use one of our computer terminals or the microfiche machines. (Office hours are Mon-Fri 8am-5pm, except legal holidays.)



## Transfer Tax

Transfer tax is imposed on the transfer of real property from one person (or entity) to another. According to Article 17 of the Tulare County Finance Code, transfer tax must be collected by our office on all deeds or instruments conveying title, unless exempted. Common exemptions for transfer tax are listed below.

**Exempted:**

- Transfer between a married couple or between domestic partners
- Gifts
- Transfers in and out of a trust
- Transfers that solely change the method of holding title. The proportional ownership interest remains the same before and after the transfer.

## Transfer Tax Calculator

When the value of the property being transferred (not counting any debts or liens still attached to it) is more than \$100, a tax of 55 cents is charged for every \$500 of the property's value or any part of \$500.

**Example**

The transfer tax due on a property that sold for \$400,000 would be \$440. Transfer tax due would be  
 **$400,000 \div 500 \times \$0.55 = \$440$**



Try out our Transfer Tax Calculator today. Scan the QR code to access the calculator.

## Methods of Holding Title:

There are various ways to take ownership of property, commonly referred to as methods of holding title. The way you hold title can have significant implications for property taxes, income taxes, inheritance and gift taxes, the transferability of title upon death or other circumstances, and exposure to creditors' claims. You may wish to consult with an attorney or certified accountant to understand your options.

Common methods of holding title include Sole Ownership, Community Property, Community Property with Right of Survivorship, Joint Tenancy, Tenancy in Common, Corporation, Partnership, and Limited Liability Company.

Disclaimer: Information on this document should not be construed as legal advice but is designed merely to help you understand the role our office plays during property transfer. By law, our staff are prohibited from providing legal advice or assisting in document preparation. If you have any questions regarding your personal finances, it is recommended that you consult with an attorney or a certified accountant.