Reverse Your Thinking ®

EDUCATIONAL RESOURCE SERIES
Collaborate. Educate. Problem-Solve.

CALIFORNIA STATE GUIDELINES

A quick reference to California's recording, tax, vesting, and property title requirements.



GENERAL GUIDELINES

- Notary State
- Witnesses not required
- Trustee varies by Underwriter
- Survey normally not required
- Marital Status is required

TAXES

- No Mortgage Tax
- County Documentary Transfer Tax: Generally $1.10 per $1,000 of consideration, with local variations.
- City Transfer Tax varies by County

VESTING

Recognized Vesting Types:

- Joint Tenancy
- Tenancy in Common
- Community Property
- Community Property with Right of Survivorship
- Trustee of Trust

Deceased Party Requirements:

- Affidavit of Surviving Spouse can be used if vesting is held in Community Property with Right of Survivorship or Community Property
- Affidavit Death of Joint Tenant
- Affidavit Death of Trustee
- Original Death Certificate is required with the Affidavit at recording

FACTS ABOUT CALIFORNIA

Capital: Sacramento

Statehood: September 9, 1850 (31st State)

Counties: 58

Incorporated Cities & Towns: 483

Largest City: Los Angeles

Nickname: The Golden State

State Flower: California Poppy

Population: 39.6 Million (2026)

Motto: Eureka (“I have found it”)

CALIFORNIA MORTGAGE HISTORY

1850 - Statehood: California's property laws developed from Spanish and Mexican land-law traditions, English common law, and state legislation.
Deeds of Trust: California commonly uses deeds of trust rather than traditional mortgages to secure real estate loans.
Foreclosure: California primarily uses a nonjudicial foreclosure process, allowing foreclosure without a court lawsuit when statutory requirements are met.
Borrower Protections: California law includes foreclosure notice requirements, reinstatement rights, and restrictions on deficiency judgments.

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