

Assessor-Recorder-County Clerk

San Bernardino County, CA



Tips for Successful Recording

The County Recorder, upon payment of proper fees and taxes, will accept any document which is authorized or required by California law to be recorded, if the document contains the required information and if it is photographically reproducible.

The following is information that will help you successfully record documents.

Keep Reading to Learn About:

- Recording Requirements
- Important Tips
- How to Transfer Title
- How to Release a Lien
- How to Remove a Joint Tenant
- Real Estate Fraud





Recording Requirements

Each document presented for recording must include or comply with the following general requirements.

- The property must be located in San Bernardino County
- The document must be authorized or required by law to be recorded
- Signatures must be original unless the document is a certified copy issued by the appropriate custodian of the public record
- Include the name of the party requesting the recording and a name and address where the document can be returned
- The document must be properly acknowledged, unless exempt. California requires an all-capacity acknowledgement
- The notary seal must be legible for microfilm reproduction
- When recording documents affecting a change in the ownership of real property, include a completed Preliminary Change of Ownership Report
- Standard page size is one printed side of a single piece of paper being 8 ½" x 11"
- All documents submitted must have at least a ½" margin on the two vertical sides except in the space reserved for recording information
- Documents must be clearly legible in order to produce a readable photographic record. This pertains to the document text, notary seals, certificates and other attachments, such as legal descriptions

Recording Requirements Cont.

- The first page or sheet of a document shall comply with (GC27361.6):
 - The top right 2 ½" X 5" corner is reserved for Recorders Use Only
 - The top left 2 ½" X 3 ½" corner is reserved for the name of the person requesting recording and a return name and address
 - The title of the document must appear on the first page immediately below the space reserved for the Recorder
 - In the event the first page or sheet of a document does not comply with these requirements, a separate page shall be attached by the party requesting recording to the front of the document which meets these criteria and which reflects the title or titles of the document (Document Cover Sheet)
- Unless otherwise required to do so by a state or federal law, a document shall not be presented for recording if it displays more than the last four digits of a social security number
- Any document which modifies, releases, or cancels the provisions of a previously recorded document shall state the recorder identification number or the book and page of the document being modified, released, or canceled
- Documentary Transfer Tax is due on all taxable conveyances in excess of \$100 at a rate of \$.55 per \$500 or fractional portion of real property value, excluding any liens or encumbrances already of record. Transfer tax is collected at the time of recording. A Documentary Transfer Tax Declaration must be completed for all conveyances



Important Tips



Notary Acknowledgement vs. Verification

Different documents have different recording requirements based on statute.

Acknowledgment- A formal declaration that only verifies the identity of the individual who signed the document, not the truthfulness, accuracy, or validity of the document.

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.

Caption vs. Signature vs. Acknowledgement

Caption means the name as set out in the body of the document. On a Deed this would be the grantor.

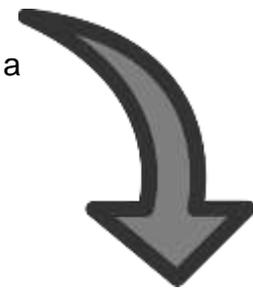
Signature means the signature of the person named in caption along with the name printed below the signature.

Acknowledgment means the name of the person being acknowledged set out in the notary acknowledgment.



What does an acceptable notary acknowledgement look like?

- The form used for a California Notary Acknowledgment shall be in the format as listed below.
- An acknowledgment is to be completed legibly by either type or legible block print. All fields are to be completed with blue or black ink only by the notary.
- A complete notary acknowledgement includes:
 - A completed venue, meaning the state and county is to be completed
 - Date the document was signed in front of the notary
 - Name of the notary as set out on his/her oath and the entire title of the notary public
 - Name(s) of the parties that the notary witnessed sign the document
 - Must be complete names for each signor.
 - Liquid correction or correction tape is never acceptable on a notary acknowledgement. It is best to attach a new notary acknowledgement if a correction is needed.



Examples:

Not Acceptable: John and Jane Smith

Acceptable: John Smith and Jane Smith

What does the Recorder's Office mean when they say the document is not legible?

Statute requires that the document be photographically reproducible. This includes all portions of the documents including areas completed by pen, signatures and/or seals.

Type must be complete. No chipped type will be accepted.

Maps, diagrams and pictures are strongly discouraged. Scanning is done in black and white therefore colored images/documents often lose their detail when imaged.



What does an acceptable Documentary Transfer Tax (DTT) Statement consist of?

Documentary Transfer Tax is due on all taxable conveyances in excess of \$100 at a rate of \$.55 per \$500 or fractional portion of real property value, excluding any liens or encumbrances already of record. Transfer tax is collected at the time of recording.

A Documentary Transfer Tax Declaration must be completed for all conveyances. DTT dollar amount is not considered an acceptable documentary transfer tax declaration.

Per RTC11933 a declaration of the amount of tax due, signed by the party determining the tax or his or her agent, shall appear on the face of the document in compliance with RTC11932 "Every document subject to tax that is submitted for recordation shall show on the face of the document the amount of tax due and the incorporated or unincorporated location of the lands, tenements, or other realty described in the document."



How do I ensure my document does not get rejected for incorrect fees?

Prior to submitting your document for recording, refer to the Fee Calculator on our website.

The Recorder's Office does accept Not To Exceed (NTE) checks. All checks submitted for recording fees are to include a current date, be made payable to San Bernardino County Recorder and state on the memo line the NTE amount. Do not write after the dollar sign \$ or on the dollar line. Be sure to sign your check.

Checks must have the name and address preprinted on the check. Temporary checks are not acceptable.

What is a conformed copy?

A **conformed copy** is an exact photo copy of the completed document, made by the customer and presented to the examiner at the time of the recording.

For a fee, the examiner will affix the recording information, which includes the document number and date of recording on the copy to be conformed. If the document is being submitted via mail, a self-addressed stamped envelope is required.

Recording UCC-1 Forms musts

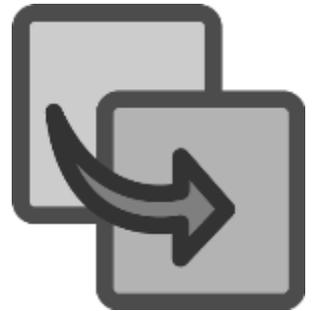
- UCC-1 Finance Statements are to be filed with the Secretary of State.
- UCC Fixture Filings are recordable at the Recorder's office in the county in which the property is situated.
- A completed coversheet is required. A completed coversheet includes the name and return address in which the recorded document is to be returned to and the title of the document being recorded.

How to Transfer Title

The Assessor-Recorder-County Clerk's Office is prohibited from giving legal advice. It may be advisable to consult an attorney because of the legal aspects involved in holding title to property or transferring title.

The Recorder's office has a limited amount of forms available online. Additional forms may be obtained from a legal advisor or stationary stores.

- The deed must be recorded in the county where the property is located
- There is a fee for the recordation
- A Preliminary Change of Ownership Report is to be completed, signed, and returned with the document, or there will be an additional \$20.00 fee.



How to Release a Lien

The Assessor-Recorder-County Clerk's Office is prohibited from giving legal advice. It may be advisable to consult an attorney because of the legal aspects involved in holding title to property or transferring title.

The Recorder-County Clerk does not have the authority to release a lien without a properly signed Release of Lien form.

The Release of Lien form can be obtained by contacting the party/entity who issued the lien.

Find Internal Revenue Service (IRS) information at: <http://www.irs.gov>

Find California State Franchise Tax Board information at: <http://www.ftb.ca.gov>

Find San Bernardino Tax Collector information at: <http://www.mytaxcollector.com/>

How to Remove a Deceased Joint Tenant

The Assessor-Recorder-County Clerk's Office is prohibited from giving legal advice. It may be advisable to consult an attorney because of the legal aspects involved in holding title to property or transferring title.

Affidavit Death of Joint Tenant form is to be completed, signed, and verified prior to submission to the recorder's office for recording. The majority of the information needed to complete the form can be found on the previously recorded deed in which the joint tenancy was created.

Certified copy of the death certificate ("Informational Only" certified copies are acceptable), must be attached.

A Preliminary Change of Ownership Report is to be completed, signed, and returned with the document, or there will be an additional \$20.00 fee.

There is a fee for the recordation.



Real Estate Fraud

Real estate fraud is any illegal activity affecting a home, condominium, or parcel of land.

It can include:

- Stealing your identity to purchase a house or apply for a mortgage loan without your knowledge.
- Forging your signature on a deed or other document affecting title to a property.
- Scheme devised into tricking you into paying money for services that do not help you or that you do not need, (i.e., forensic loan audit, loan modification scam, foreclosure consultants, etc.).
- Rental Fraud-The con artist locates a vacant house, enters the home, changes the locks and advertises the property for rent; usually below market value and requests payments in cash.



For office locations and phone numbers of the main
office and district offices, please visit:
<http://www.sbcounty.gov/ARC/About/Locations.aspx>

