

How an Individual Should Own a Home in California

This post explores the options and the hazards for an individual home owner.

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/EINPresswire.com/ -- In the process of purchasing real property in California, the buyer is asked "[how do you want to own your home?](#)" How real property is owned determines how it transfers on the death. Will transfer be in or out of probate court?

Probate is a set of California laws that determine who inherits and how.

Probate requires a filing in court and an order from the court on who inherits. Probate is time consuming, expensive and a matter of public record.

[Real property owned in a person's name only](#), requires transfer to heirs in probate court. It is best for an individual to own his or her home as trustee of his or her trust. Trusts are similar to wills. But a will does not avoid probate.

A trust avoids probate and states who inherits and under what conditions. But for a trust to avoid probate, the real property must be owned by the trust. Real property transfers into a trust by deed recorded with the county where the real property is located.

On the death of owner of a trust, transfer is by affidavit death of trustee and deed recorded with the county recorder. The affidavit establishes the successor trustee identified in the trust as the person authorized to act on behalf of the trust. The successor trustee then sells or transfers the real property to the beneficiaries of the trust by deed.

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California real property owned in name only transfers on death through probate

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