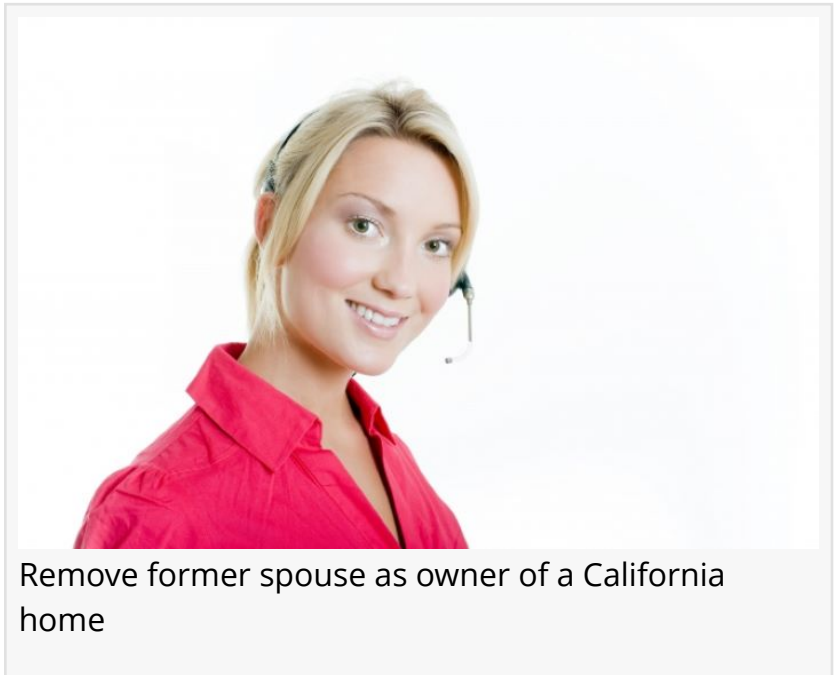


# How to Remove Spouse as Owner of a California Home After Divorce

*A marital settlement agreement is reached. The California home divided in the divorce is now owned by one spouse. What happens next?*

HUNTINGTON BEACH, CA, USA, April 20, 2023 /EINPresswire.com/ -- A couple reaches a marital settlement agreement. The [California home divided in the divorce](#) is now owned by one spouse. But with the county recorder the home is still owned by both spouses. Here is how to transfer ownership by [Deed and Record](#)



Remove former spouse as owner of a California home

First, prepare a deed that legally transfers the property from one spouse to the other. Choices are by quitclaim deed or grant deed, The type of deed will depend on the terms of your agreement. If the marital settlement agreement does not specify the type of deed, here are the differences.

A grant deed conveys warranty of title and full disclosure of debt and liens. A quitclaim deed conveys title "as is." In a divorce the debts and liens on the home should have been fully disclosed. As far as the divorced spouses are concerned, it should make no difference in the deed type

But as an abundance of caution, the transferring spouse will want a quitclaim deed. The spouse awarded the home will want a grant deed. The title company who will ensure any sale or loan in the future will want a grant deed for a cleaner chain of title. After the deed is prepared, the next step is signature.

The spouse who transfers ownership signs. The signature must be acknowledged by a notary. For most transfers, if there is a mortgage or loan on the property, the lender has to sign off on the transfer. But federal law prohibits lenders from calling a loan because of a transfer between spouses. Lender approval is not needed.

Sometimes the transferring spouse refuses to sign or can't be found to sign. Then the owning spouse has to file paper work in the court that approved marital settlement agreement. The paper work requests an court order for the clerk of the court to sign on behalf of the missing spouse.

After the deed has been signed and notarized, it must be recorded with the county recorder's office in the county where the property is located. In addition to the deed, all counties in California require a "preliminary change of ownership report." All counties also require the payment of fees which vary from county to county. Many counties also require a separate document known as a tax affidavit.

California now allows e-recording. E-recording takes days, sometimes hours instead of the weeks or sometimes months it takes to record by mail or in person. [DeedAndRecord](#) is an authorized submitter to e-record deeds.

Transfer of a California home after a marital settlement agreement can be a complicated process. DeedAndRecord prepares and records deeds for divorced spouses. With DeedAndRecord transfer is completed legally, in compliance with all California laws and regulations and in a timely manner.

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