

Three Steps to finalize California home divided in divorce

A marital settlement agreement is reached, but not final until a deed is prepared and recorded.

HUNTINGTON BEACH, CA, UNITED STATES, April 27, 2023

/EINPresswire.com/ -- The parties reach marital settlement agreement. Their [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. This article by [Deed and Record](#) explains how to transfer ownership in three steps.

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 the settlement 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. But title companies 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 must 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



Deed and Record provides documents and service to bridge the ownership transfer from the Superior Court to the County Recorder.

paper work requests a 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. 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.

Transfer of a California home after a marital settlement agreement can be a complicated process. [DeedAndRecord](#) prepares and records deeds for divorced spouses. DeedAndRecord is an authorized submitter to e-record deeds. With DeedAndRecord transfer is completed legally, in compliance with all California laws and regulations and in a timely manner.

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