

California Home Divided in the Divorce: This is What Happens Next

The spouses reach a settlement agreement. One spouse is awarded the home in California. Here is how to transfer ownership.

HUNTINGTON BEACH, CA, USA, March 28, 2024 /EINPresswire.com/ -- The spouses reach a [marital settlement agreement](#). Their California home, divided in the divorce, is now owned by one spouse. But with the county recorder, both spouses still own the home. Here is how to transfer ownership.



Deed and Record prepares and records inter-spousal deeds for homes in California

First, prepare a deed that legally transfers the property from one spouse to the other spouse. This deed is often referred to as an [inter-spousal deed](#). 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.

“

Transferring a California home after the spouses reach a marital settlement agreement can be complicated.

DeedAndRecord prepares and records deeds for divorced spouses.”

Mark W. Bidwell

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

But as an abundance of caution, the transferring spouse will want a quitclaim deed. The spouse awarded the home will accept a grant deed. The title company that will ensure any sale or loan in the future will want a grant deed for a cleaner chain of title. A grant deed is the best option. The

next step is the signature after the spouses have the deed prepared.

The next step is to obtain the signature. The spouse who transfers their ownership to the other spouse signs the deed. A notary must acknowledge the signature. For most transfers, if there is a mortgage or loan on the property, the lender must sign off on the transfer. However, federal law prohibits lenders from calling a loan because of a divorce. Lender approval is not needed.

Sometimes, the transferring spouse refuses to sign or has disappeared. Then, the owning spouse has to file paperwork in court, where the judge approved the marital settlement agreement. The paperwork requests a court order for the clerk to sign for the obstinate or missing spouse.

After the deed has been signed and notarized, the owner-spouse must record the deed with the county recorder's office 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, to record by mail or in person instead of weeks or months.

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

Mark Bidwell
Deed and Record
+1 714-846-2888
[email us here](#)

This press release can be viewed online at: <https://www.einpresswire.com/article/687579530>

EIN Presswire's priority is source transparency. We do not allow opaque clients, and our editors try to be careful about weeding out false and misleading content. As a user, if you see something we have missed, please do bring it to our attention. Your help is welcome. EIN Presswire, Everyone's Internet News Presswire™, tries to define some of the boundaries that are reasonable in today's world. Please see our Editorial Guidelines for more information.

© 1995-2024 Newsmatics Inc. All Right Reserved.