



Trust Transfer Deed Request Packet **Pricing, Procedures & Forms**

Instructions: Please review and complete this packet then submit the appropriate forms, documentation, and fees.

Overview: Two common situations that contribute to certain real property not being titled in your trust:

New Real Estate: Many often forget to title their new real estate in their trust (they instead take title in their individual names often because this is more convenient in the financing process).

Property Often Removed From Trust In Re-Financing Transactions: During the refinance process lenders **often have you remove the property from the trust and/or obtain the financing in your individual name.** Many don't even realize this is one of the many documents they sign during the financing process and all too often the property does not get put back in the trust afterwards. If you have refinanced a property you should probably assume that the property is out of your trust if you are unable to verify otherwise.

The Real Estate Golden Rule: All of this leads to the fact that **if any of your real estate property is not currently titled in your trust it is critically important that you immediately execute and record a deed to your trust** (if you want your trust to pass the property). **If you would like our help in transferring your property please review this packet then submit the appropriate forms, documentation, and fees.**

\$100 Pricing For Most California Deeds & PCOR Preparation:

This charge includes the signature ready preparation of 1) the trust transfer deed (usually a Quitclaim Deed) and 2) the Preliminary Change of Ownership Report (PCOR), which every County Recorder requires to be submitted to record the deed, 3) instructions for recording the deed. **An additional \$50 surcharge applies for San Mateo County & Merced County, as they require the preparation of additional forms in order to record the deed.**

\$100 For NON-California Deeds (Deed Preparation Only)

This charge includes the signature ready preparation of the deed only (does not include preparation of any out of state county forms or recording documents). Please read the attached Deed Policies.

\$10 Each For Each Current Deed Copy You Wish Us To Obtain

Simply indicate (on the next page) if you would like us to obtain your current deed by checking the appropriate line. (The \$10 charge per deed is essentially at our cost).

Send us your deed request forms with payment one of three ways:

Physical Delivery	Fax	Email
Affordable Living Trusts 14567 Big Basin Way; Suite A1 Saratoga, CA 95070-6039 Ph 408-741-1627	(408) 519-6462	trustoffices@gmail.com Must submit a completed, signed scanned copy of all required documents in a PDF file format only (no JPEG or TIFF)

Please Allow Sufficient Time: Once we receive the request we will mail your paperwork to you for execution and recording. Although we often turn your documents around within a week please allow up to 15 business days. If you have any questions please feel free to give us a call.

Deed Preparation Request

This Form Must Be Completed, Signed & Submitted

1) In the spaces provided below **please indicate the physical street address / property location** (as it is referred to on the property tax statement).

If you are providing us with a copy of your current grant deed please include a clearly legible copy of the (Grant) deed that contains the legal description and shows current titling. If the document refers to an "Exhibit A" please be sure to enclose a clearly legible copy of the "Exhibit A." (The County of Record will not accept a poor quality copy. If it is necessary for our office to retype the "Exhibit A" (if readable), there will be an additional minimum fee of \$50.). Please do not send a Deed of Trust or Deed of Reconveyance.

If you request us to obtain a copy of your deed it is with the understanding that although we can obtain copies for most properties (through the service we use) please be aware that we cannot obtain copies of all properties. We will of course inform you and discuss your options if we cannot obtain the deed or a clearly legible copy. The fee for each deed is \$10 (which is essentially our cost).

Property #1

Street Address: _____

City: _____ State: _____ Zip: _____

Indicate Your Choice Below:

_____ I am including a copy of the deed _____ Please obtain the deed (\$10)

Property #2

Street Address: _____

City: _____ State: _____ Zip: _____

Indicate Your Choice Below:

_____ I am including a copy of the deed _____ Please obtain the deed (\$10)

Property #3

Street Address: _____

City: _____ State: _____ Zip: _____

Indicate Your Choice Below:

_____ I am including a copy of the deed _____ Please obtain the deed (\$10)

Checklist, Contact Info, Signatures & Payment

This Form Must Be Completed, Signed & Submitted With Deed Request

Please Be Sure To Submit The Following (Use As Your Checklist):

This Contact Info, Checklist, Payment & Acknowledgement Form completed and signed.

Either 1) A Copy of Your Current Ownership Deed or 2) A Request To Obtain It

Payment by Check or Credit Card Info Must Be Submitted (see below to pay by credit)

- \$100 to Prepare California Deed & Change of Ownership Form for Recorder
- \$50 additional surcharge for San Mateo & Merced Counties
- \$100 to Prepare A NON-California Deed
- \$10 Each For Each Current Ownership Deed You Ask Us To Obtain

Contact Information

Last Name(s): _____

First Name(s): _____

Date of Original Trust Creation (important): _____

Current Address: _____

City: _____ St: _____ Zip: _____

Home Phone: _____ Work/other Phones: _____

Other Phone(s) _____

E-Mail Addresses (print clearly): _____

Payment: Checks should be made out to: Landis Mahaffey

Credit Card Information – VISA or MasterCard Only

Required If Faxing or Emailing Your Amendment Request

Credit Card # _____ Exp. Date _____

Name On Card: _____

CVC2 Security Code On Back _____ Billing Zip Code _____

Authorized Signature _____ Dated _____

By my signature above I hereby authorize Affordable Living Trusts to charge my credit card one of the amounts that is listed above as is appropriate what I am requesting.

Please Sign Below (acknowledgement):

I also acknowledge 1) that I have read and understand the material in this packet and 2) that any services will be confined strictly to preparation of the deed without review of any other area of your trust, estate or circumstances and that if I want more I must engage your services for a full review (which we generally advise for any trust over 5 years old - or sooner if there is a major change in circumstances). 3) that in requesting the preparation of an out of state deed that I have reviewed the attached "Non-California Out of State Deed Disclaimer" and agree to the conditions and disclaimers set forth. (Signatures of both husband and wife required if a married trust)

Date

Signature

Signature of Spouse (if applicable)

Non-California Out of State Deed Disclaimer

Our Deeds Are Designed To Satisfy The Statute of Frauds: Adopted in some form by all 50 states, the Statute of Frauds sets forth the general requirements for a court enforceable transfer of real estate. Almost universally, those requirements are met when you have a verifiably signed writing that sufficiently describes the property, and identifies the transferor (grantor) and transferee (grantee). While from state to state you may find slight differences in styles, customs, formatting and recording requirements you will always find these same essential elements present in any and all deeds that convey real estate in the United States. These are in fact the exact same elements we include in every deed we prepare.

Recording Requirements Often Have Little To Do With The Validity of The Deed: In the days past, recording a document was as straightforward as submitting the document along with a recording fee – and thankfully there are still states and counties that stick to this original intent of our recording system. However, in never wanting to miss a potential taxing opportunity, many states, counties and cities, have now also made the recorder's office an agent of the taxman and this has had the effect of introducing complications and ever changing requirements that have little or nothing to do with the validity of the document or transfer itself.

All California Counties Requires The PCOR and Some Require Even More: For example, when we prepare a California deed we also prepare an additional recorder's form called a Preliminary Change of Ownership Report (PCOR) because all 58 California counties require a properly completed PCOR to be submitted with every deed and recordable instrument. Yet, just to give you some idea of the ever-shifting and variable landscape in this regards the PCOR form changes on a regular basis -- and in recent years San Mateo and Merced counties now require one or two additional other forms be completed and submitted. Again, none of this required paperwork bears any relation to the underlying validity of the deed itself. It's all about discerning whether they can impose a tax or re-assessment -- **which in California and most every state they cannot for a transfer to a revocable living trust.**

Deed Formatting Requirements Vary From State To State: Many times, recorder's offices want the deed to be formatted a certain way (i.e. 1 inch margins, 8 ½ x 11 paper, 3 ½ inch square for the recorder's stamp, certain tax statements, etc.). These requirements can vary from state to state. Again however, these requirements bear little or no relation to the underlying validity of the conveyance itself. (As long as the conveyance satisfies the state Statute of Frauds it is almost a near certainty that any court would uphold its validity.) Though recorders often don't mention it, many times (if not all the time) you have the option to pay a "non-conforming fee" or to use a cover sheet to make the document recordable.

As California Attorneys There are Limits to our Expertise Regarding the other 49 States: As a California law office it is arguably manageable to learn, comply and stay current with the intricacies, subtleties, and relevant code sections required by 58 California counties. Yet, the practicality of doing the same for 3,086 other counties and 49 other states is another matter altogether. These often-arbitrary formatting requirements (and the forms they might require) pose a certain dilemma both to us as California attorneys and to you as someone who may be paying us to prepare an out of state deed. While we make an effort to prepare deeds that satisfy the formatting requirements of individual states, it is important to understand that we do not make any claims of expertise regarding the preparation of out of state deeds and there is some chance that there may be a style, formatting or other recording deficiency in any out of state deed we prepare. In fact, many attorneys outright refuse to prepare out of state deeds yet we do not believe that approach is necessarily in your best interest.

It Is In Your Best Interest To Have Immediate Written Notarized Evidence:

First and foremost, as someone with a living trust, we believe it is in your best interest to have **immediate** written, signed, notarized evidence that you consider your property a part of your trust. This is truly what we are trying to accomplish in the preparation of any deed on your behalf and we believe that, regardless of some small chance there is somehow a deficiency in formatting or recording requirements, it is highly likely that a court of law would approve it as a valid transfer of the property in trust. Remember, nothing triggers probate in a bigger way than real estate that is not titled in the trust -- making it a poor strategy to not have some written evidence that you consider it part of your trust, even for a short period of time. That is why, even given the small possibility that a deed may not fully comply with the recorder formatting requirements, we still believe it is in your best interest to immediately execute a deed. A signed deed that may be lacking in some recorder's formatting requirement or needs other paperwork to record is still likely to provide a large modicum of immediate protection even if it later becomes necessary to ultimately complete a deed or other paperwork that conforms to a given state's recorder's formatting and other requirements.

In Most States Our Deeds Usually Record Without Incident or Hassle: Thankfully there are still a number of counties and states that remain very straightforward in their recording requirements. Many only ask you to submit the deed and the recording fee. Others have fairly minimum requirements and with a little research are easy to comply with. In many, if not

most states, the deeds that we prepare usually record without incident. In fact, in 25+ years we can't remember a single instance where one of our deeds failed for validity or wasn't recordable one way or the other (though we have not prepared deeds for every state). Even in Hawaii, which may be the most bureaucratically difficult place to record, our deeds themselves have been accepted for recording.

Many States Offer The Option To Pay A Non-Conforming Fee:

Additionally, many states offer the option to pay an extra fee (non-conforming fee) to record a deed that doesn't meet the formatting or form requirements. Even with this extra fee it is often less expensive (in total) and less troublesome to pay the additional fee rather than paying to execute the deed through in-state counsel or title companies (or whoever else you choose).

You Have The Luxury of Time

Though we advise recording, there is little need to rush to record a trust transfer deed. (Unlike when you are purchasing a property, there is no need to protect yourself against yourself.) Legally speaking, the transfer occurs and is fully valid the moment you sign your deed. (Recording is not necessary to make the deed valid; it only makes it public record.) This affords you the luxury of time to research and discern what is necessary to record the deed. This is usually accomplished by calling or going to the county website where the document is to be recorded and most of our clients have had no problem with this.

Out of State Deed Disclaimer (read carefully): Understanding these subtleties discussed here are important considerations as you ponder whether you want to pay us to draft a deed -- because should the deed be returned by the recorder's office because of formatting or it is deemed insufficient because of other requirements we will not issue a refund for preparation of the deed nor will we redo the deed without charge. (Any redo and the charges will be entirely at our option.)

In essence, this disclaimer is designed to **make you aware and explain why we will not guarantee, or assist in recording, any out of state deed.** If you are more comfortable retaining someone local (to the property) we encourage such. That said we have many clients who try to first see if they can use and record the deed we prepare. The choice is yours.