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How to Abandon a California Declared Homestead

Declaration of Abandonment of Declared Homestead (Code of Civil Procedure Section 704.980)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR DECLARATION OF ABANDONMENT.

About this form. Use this form to release a Declaration of Homestead that was recorded on your home — for example, when a title company or lender asks for it before a sale or refinance, or when you are moving and want to declare a homestead on a new home. The abandonment takes effect when it is **recorded** with the County Recorder.

1. **Find the recorded homestead declaration**
   You need its county, recording date, and document number — shown on the recorder's stamp on the recorded copy, or available from the County Recorder.
2. **Fill in the owner(s) and property**
   Use names exactly as on the homestead declaration. Copy the legal description and parcel number from your deed.
3. **Married owners sign together**
   If the declared homestead owner is married, the owner and spouse must sign **jointly**. An unmarried owner signs alone.
4. **Sign in front of a notary**
   Do **not** sign ahead of time. Each signer brings a current government-issued photo ID. The abandonment must be notarized before it can be recorded. We come to you.
5. **Record it with the County Recorder**
   Record the notarized form in the county where the home is located. Recording fees apply; mark the $75 fee box that fits your situation.
6. **Keep proof**
   Give a copy of the recorded abandonment to your escrow or title officer, and keep the original with your property records.

Good to Know

- Abandoning a declared homestead does not remove California's automatic homestead protection for the home you live in.
- Recording a new homestead declaration on a different home also abandons the old one automatically.
- If a creditor has a judgment against you, talk to an attorney before abandoning a homestead.

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California-Commissioned Notaries

SCAN TO BOOK

Questions about this document? Talk to an attorney. Gavrilov & Brooks Law Firm has attorneys licensed in California, Nevada, and other states. Phone and video consultations are available. **(916) 504-0529** · **www.gavrilovlaw.com**

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YOUR FORM BEGINS ON THE NEXT PAGE

Recording Requested By:

_____

When Recorded Mail This Document To:

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

DECLARATION OF ABANDONMENT OF DECLARED HOMESTEAD

(California Code of Civil Procedure Section 704.980)

_____ _____

Assessor's Parcel Number (APN) File / Order No. (if any)

DECLARATION OF EXEMPTION FROM GOV. CODE § 27388.1 FEE (Building Homes and Jobs Act)

☐ Exempt per GC § 27388.1(a)(2): recorded "in connection with" a transfer of a residential dwelling to an owner-occupier

☐ Exempt per GC § 27388.1(a)(1): fee cap of $225 reached

☐ Not exempt — fee to be paid at recording

1. Declared homestead owner(s).

_____

(full name of declared homestead owner)

_____

(full name of spouse, if any)

2. Homestead declaration being abandoned. The homestead declaration being abandoned was recorded in the Office of the County Recorder of:

_____ _____ _____

(county) (recording date) (document / instrument number)

3. The declared homestead covered by that declaration is located at:

_____ _____ _____

(street address of the dwelling) (city, or "unincorporated area") (county)

LEGAL DESCRIPTION

Copy exactly from the deed. If it does not fit, write "See Exhibit A attached" and attach it.

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4. Abandonment. The undersigned abandon(s) the declared homestead described above. This declaration of abandonment is effective upon its recording in the office of the county recorder of each county in which the declared homestead is located.

5. Signers (mark one):

- ☐ The declared homestead owner is not married and signs alone.
- ☐ The declared homestead owner is married, and the owner and spouse sign jointly below.
- ☐ Other (for example, a person signing under a power of attorney or court order); authority: _____

(source of authority)

Dated: _____

_____ _____

(signature of declared homestead owner) (signature of spouse, if married)

_____ _____

(printed name) (printed name)

Sign in front of the notary public, who will complete the acknowledgment on the next page.

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CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of _____)

On _____ before me, _____

(here insert name and title of the officer)

personally appeared _____

, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

(Seal)

Signature _____

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