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How to Complete Your California Declaration of Homestead

Protecting Your Home Equity From Creditors (Code of Civil Procedure Section 704.930)

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

About this form. California automatically protects part of the equity in your home from most creditors (the "homestead exemption"). **Recording** a Declaration of Homestead adds extra protection: it gives public notice of your homestead, and it can protect your equity even if you sell your home voluntarily after a creditor records a judgment. It does **not** protect against your mortgage, property taxes, or liens recorded before it.

1. **Confirm you qualify**
   The home must be your **principal dwelling** (house, condo, or mobilehome you own), and you or your spouse must live there on the day the declaration is recorded.
2. **Fill in the owner(s) and property**
   Use names exactly as on your deed. Spouses can both be named if each owns an interest. Copy the legal description and parcel number from your deed.
3. **Mark who is signing**
   Usually the owner signs. A spouse, conservator, or agent under a power of attorney may sign instead and must state the source of their authority.
4. **Sign in front of a notary**
   Do **not** sign ahead of time. Bring a current government-issued photo ID. The declaration must be notarized before it can be recorded. We come to your home, office, hospital, or care facility.
5. **Record it with the County Recorder**
   Record the notarized declaration in the county where the home is located. Recording fees apply; mark the $75 fee box that fits your situation.
6. **One homestead at a time**
   Recording a homestead declaration on a different home abandons the earlier one. To release it yourself, use a Declaration of Abandonment of Declared Homestead.

Good to Know

- The exemption amount is set by Code of Civil Procedure § 704.730 and adjusts yearly for inflation. Recording does not increase it.
- Title companies may ask you to record an Abandonment before you sell or refinance. Keep the recorded original with your deed.
- If you are facing a judgment, bankruptcy, or creditor action, talk to an attorney about your specific situation.

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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**

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public who is not an attorney cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed California attorney. © 2027 First Choice Mobile Notary & Apostille. All rights

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Recording Requested By:

_____

When Recorded Mail This Document To:

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

DECLARATION OF HOMESTEAD

(California Code of Civil Procedure Sections 704.910–704.995)

_____ _____

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). The declared homestead owner(s) (spouses may both be named if each owns an interest in the dwelling):

_____

(full name of declared homestead owner)

_____

(full name of spouse, if also a declared homestead owner)

2. The declared homestead. The dwelling selected as the declared homestead 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.

3. Principal dwelling. The declared homestead is the principal dwelling of the declared homestead owner or such person's spouse, and the declared homestead owner or such person's spouse resides in the declared homestead on the date this homestead declaration is recorded.

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4. Person signing. This declaration is executed and acknowledged by (mark one):

- ☐ The declared homestead owner
- ☐ The spouse of the declared homestead owner
- ☐ A guardian, conservator, or other person with authority to act for the declared homestead owner or spouse. The person signing has that authority, and the source of the authority is:

_____

(for example: power of attorney dated _____; court order in case no. _____)

5. Personal knowledge. The facts stated in this homestead declaration are known to be true as of the personal knowledge of the person executing and acknowledging this homestead declaration. I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Dated: _____

_____ _____

(signature of declared homestead owner or person signing) (signature of spouse, if also signing)

_____ _____

(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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