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How to Complete Your California Grant of Easement

Giving a Neighbor or Utility the Right to Use Part of Your Property

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR GRANT OF EASEMENT.

About this form. An **easement** gives someone else a legal right to use part of your land for a specific purpose — for example, a shared driveway, access to a landlocked lot, a utility line, or drainage. Recording a written easement protects both owners and future buyers, and avoids disputes. Because an easement can last forever and affect your property's value, consider having an attorney, surveyor, or title company help describe it.

1. **Identify both properties**
   The **Burdened Property** is the land the easement crosses; the **Benefited Property** is the land that gets to use it (if any). Copy names, parcel numbers, and legal descriptions from each deed.
2. **Describe the easement area precisely**
   Say exactly where it is and how wide it is — for example, "the easterly 12 feet of the Burdened Property." A surveyor's legal description or drawing (attached as Exhibit B) is best.
3. **Choose the purpose and terms**
   Mark the purposes, whether the easement is exclusive or non-exclusive, how long it lasts, and who maintains it.
4. **Complete the tax and fee boxes**
   If nothing is paid, write "$0 – no consideration." If money is paid, enter the documentary transfer tax. Mark the $75 fee box.
5. **All owners sign in front of a notary**
   Every owner of the Burdened Property signs. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to you.
6. **Record it**
   Record the notarized easement in the county where the Burdened Property is located, and give the grantee a copy.

Good to Know

- If the Burdened Property has a mortgage, the lender may need to consent to the easement. Check your loan documents.
- An easement generally stays with the land when either property is sold, unless it says otherwise.
- For disputes about an existing easement, or an easement that was never written down, talk to an attorney.

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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

GRANT OF EASEMENT

_____ _____

Documentary transfer tax $ (or "$0 – no consideration") | If exempt, R&T Code § and reason

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. Grant. For valuable consideration, receipt of which is acknowledged,

_____

(name(s) of GRANTOR(S) — owner(s) of the burdened property)

hereby **GRANT(S)** to

_____

(name(s) of GRANTEE(S))

an easement as described below.

2. Burdened property. The easement is over the following real property (the "Burdened Property"):

_____ _____

(owner(s) of this property) | Assessor's Parcel Number (APN)

_____ _____ _____

(street address) | (city, or "unincorporated area") | (county)

Legal description (copy exactly from the deed, or write "See Exhibit A" and attach it):

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3. Benefited property. The easement is for the benefit of the following real property (the "Benefited Property"). Leave blank if the easement is personal to the grantee:

_____ _____
(owner(s) of this property) Assessor's Parcel Number (APN)

_____ _____ _____
(street address) (city, or "unincorporated area") (county)

Legal description (copy exactly from the deed, or write "See Exhibit A" and attach it):

4. Easement area. The easement covers the following portion of the Burdened Property (describe its location and dimensions, or write "See Exhibit B" and attach a legal description or drawing):

5. Purpose (mark all that apply):

- ☐ Ingress and egress (access by foot and vehicle), including a driveway or road
- ☐ Utilities (water, sewer, power, gas, telephone, internet), including installation, maintenance, and repair
- ☐ Drainage
- ☐ Other: _____
  (describe)

6. Terms (mark one in each line):

Type: ☐ Non-exclusive (the owner may also use the area) ☐ Exclusive

Duration: ☐ Permanent ☐ Until _____ (date or event)

Maintenance: ☐ Grantee ☐ Grantor ☐ Shared _____% grantee / _____% grantor

If a Benefited Property is described in item 3, this easement is appurtenant to it, runs with the land, and binds and benefits the successors and assigns of the grantor(s) and grantee(s). The grantee shall use the easement area reasonably, repair any damage caused by the grantee's use, and not unreasonably interfere with the grantor's use of the Burdened Property.

Dated: _____

_____ _____
(signature of grantor) (signature of second grantor, if any)

_____ _____
(printed name) (printed name)

Every owner of the Burdened Property signs 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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