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# How to Complete Your California Interspousal Transfer Deed

Transfer of Real Property Between Spouses (Revenue and Taxation Code Section 63)

**INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR INTERSPOUSAL TRANSFER DEED.**

**About this form.** An interspousal transfer deed moves California real property **between spouses** (or registered domestic partners) — for example, to put the home in one spouse's name for a refinance, to make it one spouse's separate property, or to divide property in a divorce. Transfers between spouses are generally **not** reassessed for property tax. Changing property from community to separate property has serious legal consequences; if you are unsure, talk to an attorney before signing.

1. **Get a copy of the current deed**
   Copy the legal description, the Assessor's Parcel Number, and the owners' names exactly as they appear. The County Recorder can provide a copy.
2. **Fill in the spouses and the form of title**
   The grantor is the spouse transferring; the grantee is the spouse receiving. State how the grantee will hold title, such as "a married person as their sole and separate property."
3. **Complete the transfer tax box**
   Most interspousal transfers owe no documentary transfer tax. Mark § 11927(a) for a divorce or legal separation, or enter the code that applies (for example, § 11911 for a gift with no payment).
4. **Check the Section 63 exclusion and separate property box**
   Mark the exclusion that fits your transfer. Check the separate property box only if the receiving spouse is to own the property as their own separate property.
5. **Sign in front of a notary**
   The transferring spouse must sign. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your home, office, hospital, or care facility.
6. **Record it with the County Recorder**
   Record the notarized deed in the county where the property is located, with a completed **Preliminary Change of Ownership Report** (form BOE-502-A) to avoid an extra fee. Recording fees apply.

## Before and After You Record

- Lenders often ask for this deed during a refinance or purchase. Ask your escrow or title officer whether they will prepare it.
- Mark the $75 Building Homes and Jobs Act fee box the same way as on any deed, or "Not exempt" if no exemption applies.
- The County Recorder mails the recorded original to the "When Recorded Mail To" address. Keep it with your important papers.

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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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**Recording Requested By:**

_____

**When Recorded Mail This Deed and Mail Tax Statements To:**

Name: _____

Address: _____

City, State, ZIP: _____

Space Above This Line For Recorder's Use

# INTERSPOUSAL TRANSFER DEED

(Excluded from reappraisal under California Constitution, Article 13A, Section 1, et seq.)

_____ Assessor's Parcel Number (APN)

_____ Title Order No. (if any)

_____ Escrow No. (if any)

**THE UNDERSIGNED GRANTOR(S) DECLARE(S):**

_____ Documentary transfer tax $

_____ City transfer tax $

☐ Computed on full value of property conveyed

☐ Exempt pursuant to R&T § 11927(a): transferring assets between spouses pursuant to or in contemplation of a court judgment or order (dissolution or legal separation)

☐ Other exemption — R&T Code § and explanation:

_____
(e.g., 11911 gift, or 11930 transfer to trust)

_____
Signature of declarant or agent determining tax

**DECLARATION OF EXEMPTION FROM GOV. CODE § 27388.1 FEE**

Building Homes and Jobs Act fee. Mark one if this deed is exempt:

☐ Exempt per GC § 27388.1(a)(2): recorded concurrently "in connection with" a transfer subject to documentary transfer tax

☐ Exempt per GC § 27388.1(a)(2): recorded concurrently "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

**There is no consideration for this transfer. This is an interspousal transfer and not a change in ownership under Section 63 of the Revenue and Taxation Code.** Grantor(s) have checked the applicable exclusion(s):

☐ Transfer to a trustee for the beneficial use of a spouse, or the surviving spouse of a deceased transferor

☐ Transfer which takes effect upon the death of a spouse

☐ Transfer to a spouse or former spouse in connection with a property settlement agreement or decree of dissolution of a marriage or legal separation

☐ Creation, transfer, or termination, solely between spouses, of any co-owner's interest

☐ **Check when creating separate property interest in grantee spouse:** It is the express intent of the grantor, being the spouse of the grantee, to convey all right, title and interest of the grantor, community or otherwise, in and to the herein described property to the grantee as their sole and separate property.



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**GRANTOR(S)**

(spouse(s) transferring — names exactly as shown on the current deed)

hereby **GRANT(S)** to **GRANTEE(S)**

(spouse(s) receiving)

as (form of title, e.g., “a married person as their sole and separate property” or “community property with right of survivorship”)

the following described real property in the County of

(county) (city, or “unincorporated area”)

State of California:

## LEGAL DESCRIPTION

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

Commonly known as (street address of property)

## SIGNATURE OF GRANTOR(S)

Dated: _____

(signature of grantor) (signature of grantor)

(printed name of grantor) (printed name of grantor)

*Every grantor named above must sign in front of the notary. Mail tax statements as directed above.*



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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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