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How to Complete a Memorandum of Lease

Recording Public Notice of a Lease, Option, or Right of First Refusal

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR MEMORANDUM OF LEASE.

About this form. Leases are rarely recorded, because they contain private terms like rent. A **Memorandum of Lease** is a short, recordable summary that puts the public — future buyers and lenders — on notice that a lease exists, how long it lasts, and any options to extend or buy. It protects tenants on long-term commercial, ground, cell tower, and solar leases, and tenants holding a purchase option.

1. **Have the signed lease in front of you**
   Copy the lease date and the parties' names exactly as they appear in the lease.
2. **Describe the premises**
   Enter the property address, parcel number, and legal description. If only part of the property is leased, describe the space.
3. **Enter the term and options**
   Enter the start and end dates and mark any extension options, purchase option, or right of first refusal. Do not include rent.
4. **Complete the tax and fee boxes**
   Leases of 35 years or more (including extension options) may owe documentary transfer tax. Mark the $75 recording fee box that fits.
5. **Landlord and tenant sign in front of a notary**
   Each signs. Do **not** sign ahead of time. Bring a current government-issued photo ID. We come to your office, and each party can sign at a different time.
6. **Record it**
   Record the notarized memorandum in the county where the property is located. Each party keeps a copy with the lease.

Good to Know

- Many leases require the landlord to sign a memorandum on request. Check your lease.
- When the lease ends, a recorded termination or release clears the memorandum from title.
- Long-term or complex leases should be reviewed by an attorney before recording.

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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

MEMORANDUM OF LEASE

_____ _____

Documentary transfer tax $ (leases of 35 years or more, including options) | If exempt, R&T Code § and reason

_____

Assessor's Parcel Number (APN)

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. Lease. This Memorandum of Lease gives notice of an unrecorded lease (the "Lease") dated

_____

(date of Lease)

between

_____ _____

(name(s) of LANDLORD) | (landlord's address)

as Landlord, and

_____ _____

(name(s) of TENANT) | (tenant's address)

as Tenant.

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2. Premises. Landlord has leased to Tenant the following premises (describe the space leased if less than the whole property):

(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. Term. The term of the Lease begins on

(commencement date) (expiration date)

4. Options and rights (mark all that apply):

☐ Option(s) to extend or renew the term:

(number and length of extension periods)

☐ Option to purchase the premises

☐ Right of first refusal or first offer to purchase or lease

☐ Other recorded rights:

(describe)

5. Purpose. This Memorandum is signed and recorded only to give notice of the Lease and of the rights listed above. It does not change any term of the Lease. If this Memorandum and the Lease conflict, the Lease controls. All other terms, including rent, are set out in the Lease and are incorporated by reference.

Dated: _____

(signature of Landlord) (signature of Tenant)

(printed name) (printed name)

If signing for a company or trust: entity name(s) and signer titles

Landlord and Tenant each sign in front of the notary public, who will complete the acknowledgment on the next page.

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CERTIFICATE OF ACKNOWLEDGMENT

Notary acknowledgment of the Landlord and Tenant signatures on this Memorandum of Lease.

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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