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How to Complete Your California Transmutation Agreement

Changing Property Between Community and Separate Property (Family Code Section 852)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR TRANSMUTATION AGREEMENT.

About this form. Married couples and registered domestic partners in California can change who owns their property — for example, turning one spouse's separate house into community property, or making a community bank account one spouse's separate property. This is called a **transmutation**. California only honors it if it is in writing with an **express declaration** of the change. **Because a transmutation can significantly affect divorce and inheritance rights, we strongly recommend that each spouse talk to their own attorney before signing.**

1. **Talk to an attorney first**
   Courts closely examine transmutations that favor one spouse. Independent advice for each spouse makes the agreement much harder to challenge later.
2. **Describe each item and its change**
   List each property, the character before (for example, "separate property of Maria"), and the character after (for example, "community property"). Be specific: addresses, account names, VINs.
3. **Add real estate details**
   If a house or land is included, enter its address, parcel number, and the legal description exactly as on the deed.
4. **Mark the counsel boxes**
   Each spouse marks whether they had their own attorney or chose not to after being advised to.
5. **Both spouses sign in front of a notary**
   Do **not** sign ahead of time. Each spouse brings a current government-issued photo ID. We come to your home or office.
6. **Record it if real estate is involved**
   Record the notarized agreement with the County Recorder where the property is located. Lenders and title companies may also ask for a new deed, such as an Interspousal Transfer Deed.

Good to Know

- Ordinary gifts of personal items between spouses (clothing, jewelry) are treated differently. Ask an attorney if unsure.
- Changing ownership can affect taxes, creditors, and estate planning. A tax advisor or attorney can explain the consequences.
- This form is not a prenuptial agreement and does not divide property in a divorce.

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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

TRANSMUTATION AGREEMENT

Agreement Between Spouses Changing the Character of Property (California Family Code Section 852)

_____ Assessor's Parcel Number (APN), if real property

_____ 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. Parties. This Transmutation Agreement is made between the following spouses (or registered domestic partners), who were married or registered on the date shown:

_____ (full name of Spouse A)

_____ (full name of Spouse B)

_____ (date of marriage or registration)

2. Express declaration of transmutation. We expressly declare that we are changing the characterization (ownership) of the property described below, as shown in the table. Each of us makes, joins in, consents to, and accepts this change.

Description of property (address, account, vehicle, etc.)	Character BEFORE this agreement	Character AFTER this agreement

Write "community property," "separate property of [name]," or a percentage split. Attach a schedule for more items.

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3. Real property (complete if any item above is real estate). The real property 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.

4. Effect. From the date this agreement is signed, the property described above is owned as stated in the "After" column for all purposes, including during marriage, on separation or dissolution, and on the death of either spouse, and including all income, proceeds, and property acquired in exchange for it, unless we later change it by another written transmutation.

5. Acknowledgments. Each of us acknowledges that: (a) we have each fully and fairly disclosed to the other the nature and value of the property described above and our interests in it; (b) we each understand that spouses owe each other fiduciary duties under California Family Code Section 721, and that this agreement may give one of us an advantage over the other; (c) we each sign this agreement voluntarily, free of any pressure, duress, or undue influence; and (d) we each had the opportunity to consult an independent attorney of our own choosing before signing.

Spouse A (mark one):

☐ was advised by independent counsel:

(attorney name)

☐ chose not to consult an attorney, after being advised to do so.

Spouse B (mark one):

☐ was advised by independent counsel:

(attorney name)

☐ chose not to consult an attorney, after being advised to do so.

6. Recording. If this agreement includes real property, we understand it must be recorded with the County Recorder to be effective as to third parties without notice of it (Family Code Section 852(b)). This agreement is governed by California law.

Dated: _____

(signature of Spouse A)	(signature of Spouse B)
(printed name)	(printed name)

Both spouses 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 both spouses' signatures on this Transmutation Agreement.

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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