

CALIFORNIA

Home Buyers Guide



Buying a home is a mix of emotions no matter if it's your first or your fifth time. This guide will help you better understand the title and escrow part of buying a home, provide important information you need to know, and offer some handy tricks to keep in mind along the way.

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What is Title and Title Insurance?

Title is evidence of lawful property ownership. By holding title, you or those whom you share title with have legal ownership rights and bear responsibility over that home. Title insurance is a form of insurance that protects lenders and homebuyers from financial loss sustained from defects in a title to a property. Title insurance is a one-time purchase, made in the closing stages of buying a home, that offers you security against any unforeseen circumstances that could impinge upon, or even revoke, your ownership rights. The causes of these title defects are numerous and wide-ranging: in the below sections we will provide several illustrative examples.

The most common type of title insurance is lender's title insurance, which the borrower (usually a homebuyer) purchases to protect the lender (the company giving you the mortgage). This form of title insurance is often a requirement from the lender to procure the loan. The other type is owner's title insurance, which may be paid for by the buyer or the home seller to protect the homebuyer's equity in the property. This most commonly means homebuyers are buying insurance to make sure past events do not become problems in the future.

What is the difference between a title and a deed?

They are different; however, they deal with the same concept of home ownership. The biggest difference between a deed and a title is physical: a deed is an official written document declaring a person's legal ownership of a property, while a title refers to the concept of ownership rights.

A property deed, which is just one type of deed, is a legal document that transfers property ownership from a seller/ grantor to a buyer/grantee. In it is a description of the property (including any property lines), the name of the seller/grantor, the name of the buyer/grantee, and their signatures to make the document official.

A title is a legal right to ownership of a property (which could include a house, boat, car, etc.) including the right to sell. In the legal sale / purchase of a home, the title transfers to the buyer along with the deed.

How is title determined?

A title search is an examination of public records to determine and confirm a property's legal ownership: it also identifies if there are any claims on the property that must be settled prior to, or potentially prohibiting, transfer to a new owner. A claim in this sense can be thought of as a statement from an entity or person that is not the current title owner declaring some type of right to the property. Claims that might come up in a title search include:

Liens: A legal right or claim against a property by a creditor.

Example: Your construction team forgot to tell the country clerk you paid off your bathroom renovation.

Ownership Rights: The ability to enforce legal rights concerning the property, including the right to possess it, use it, exclude others from it, and transfer it to someone else. In the case of married couples, most states use the "common law" where the name on the deed, registration



document, or other title paper, indicates the owner(s). In community property states, money earned by either spouse during marriage and all property bought with those earnings are considered community property that is owned equally by husband and wife.

Example: You were married in a different country and didn't realize it counts in America too which means your spouse potentially has rights to, and ownership of, the property as well.

Encroachments: A neighbor builds something that's either partially or wholly on your property without an agreement.

Example: You went on vacation and while you were gone, your neighbor built a pizza oven that crosses the property line.

Forgery: Making, altering, use or possession of false writing to deceive another.

Example: Someone pretends to be you and takes a mortgage out on your property.

While the title company makes every attempt to find and remedy any potential claims, title examination is not a perfect science: it can be saddled with human error and changing legal interpretations which make 100 percent risk elimination impossible. This is why title insurance is so important. If claims arise, your title insurance provider will step in and help handle them according to the terms of your policy.

According to the American Land Title Association, more than onethird of all title searches reveal a problem that title professionals fix before you go to closing.

Scan to learn more about why title insurance is so important



What is Escrow?

In simplest terms, escrow is an independent third party holding money and documents from the seller, homebuyer and lender, which will be disbursed and distributed based on mutual instructions from the buyers and or sellers (also known as principals) provided to escrow. Depending on where you live, escrow may be more commonly referred to by a different name. For example, in Florida and Illinois it's known as "the closing process," on the east coast its often called "settlement," and in California it's "escrow."

Escrow Officers (also known as Closing or Settlement Agents) have one of the most crucial roles in the home buying process. They gather all funds and closing instructions to execute the wishes of all the transaction parties and ensure that the funds are properly paid out to all service providers, in addition to the seller.

Most commonly, the Escrow Officer is part of the title insurance agency handling the real estate title work for the transaction. When entering escrow (or "closing" or "settlement" depending on where you live), the buyer and seller establish conditions for the transfer of ownership. These terms and conditions (often referred to as closing instructions) are given to the Escrow Officer and they have the responsibility of seeing that the parties' written instructions are followed prior to closing.

When all the requirements of the contract have been fulfilled, closing can take place. At this time, all documents and outstanding funds are collected and fees — e.g., title insurance premiums, real estate commissions, and inspection charges — are paid. Title to the property is then transferred under the terms of the contract, recorded with the appropriate official, and title insurance policies are issued.

What is the purpose of escrow?

The common use of escrow is a neutral third party for the multiple parties involved in a real estate transaction. The escrow officer acts as:

- Custodian for funds and documents
- A clearing house for payment of all demands
- An agency to perform the clerical details for the settlement of the accounts between the parties



The most basic meaning of the word escrow is money and/or documents held in trust by an independent third party during the course of a transaction.



Scan to learn more about what an escrow holder does, and does not do





Who Pays What? A Guide to Closing Costs

Buying a home is not as simple as negotiating a price with the seller. There are many other costs, including those associated with the loans, appraisals, and insurance. Some are one-time fees, while others recur over the life of the loan and it's important to understand why.

There are also many parties helping you close the transaction that will require payment: depending on where you live and the terms of the transaction, what you pay for may change. While not exhaustive, our online guide will provide guidance of who commonly pays for what in a real estate transaction.

Utilize our suite of mortgage calculators by visiting **natsuite.com**.

Scan to learn more about all the customs and costs associated with closing





Reading the Preliminary Title Insurance Report

A preliminary title insurance report is provided prior to the creation of a new title insurance policy to determine the status of title to the property, any liens recorded against the property as well as any items that need to be cleared in order to proceed with the sale. A preliminary title report will show what title considerations you will take with you when you buy the property (for example, an electric pole is on your property).



As you review this report with your real estate agent, look for the following and ensure they are correct:

- The type of title insurance offered (lenders vs. owners)
- Exclusions and exceptions from coverage
- The property address(es) and legal description
- Current title type held on the property
- Matters of record specifically affecting the subject property or its owners
- Informational notes

A preliminary title insurance report can also be referred to as:

- Preliminary report
- Prelim report
- Prelim
- PR
- Commitment

California Common Forms of Vesting Titles

	Tenancy In Common	Joint Tenancy	Community Property	Community Property w / Right of Survivorship
Parties Involved	Any number of persons (can be spouses)	Any number of persons (can be spouses)	Only spouses or domestic partners	Only spouses or domestic partners
Division	Ownership can be divided into any number of interests, equal or unequal	Ownership interests are equal	Ownership interests are equal	Ownership interests are equa
Title	Each co-owner has a separate legal title to his or her undivided interest	There is only one title to the whole property	Title in the "Community" (similar to title being in a partnership)	Title in the "Community" (similar to title being in a partnership)
Possession	Equal right of possession	Equal right of possession	Equal right of possession	Equal right of possession
Conveyance	Each co-owner's interest may be conveyed separately by its owner	Conveyance by one co-owner severs the joint tenancy	Both co-owners must join in conveyance of real property – separate interests cannot be conveyed	Both co-owners must join in conveyance of real property – separate interests cannot be conveyed
Purchaser's Status	Purchaser of an undivided interest becomes a tenant in common with other co-owners	Purchaser of an undivided interest becomes a tenant in common with other co-owners	Purchaser can only acquire whole title of community – cannot acquire a part of it	Purchaser can only acquire whole title of community – cannot acquire a part of it
Upon Death	Upon co-owner's death, his or her interest passes by will to devisees, or to heirs by intestate succession	Upon co-owner's death, his or her interest passes automatically to the survivor(s)	Upon co-owner's death, decedent's half passes to surviving spouse unless willed to another party	Last survivor owns property individually
Successor's Status	Portion passing by will results in tenancy in common between devisee and survivor	Last survivor owns property in severalty	Portion passing by will results in tenancy in common between devisee and survivor	Last survivor owns property individually
Creditor's Rights	Co-owner's interest may be sold on execution sale to satisfy the creditor – creditor becomes a tenant in common	Co-owner's interest may be sold by execution sale to satisfy a judgment lien. Joint tenancy is severed, and creditor becomes tenant in common with other co-owner	Co-owner's interest cannot be seized and sold separately (whole property may be sold to satisfy debts of either spouse depending on the debt – consult attorney with specific questions)	Co-owner's interest cannot be seized and sold separately (whole property may be sold to satisfy debts of either spouse depending on the debt – consult attorney with specific questions)
Presumption	When vesting (form of ownership) is not specified, tenancy in common is presumed by law	Must be expressly stated and properly formed	Rebuttable presumption that any property acquired by spouses is community property (consult attorney with specific questions). Must be specified on deed for title insurance purposes	Rebuttable presumption that any property acquired by spouses is community property (consult attorney with specific questions). Must be specified on deed for title insurance purposes

This table summarizes the most common forms of vesting and what to keep top-of-mind for each. Because real property is among the most valuable of assets, the question of how you take ownership of your property is of great importance. The form of ownership taken – the vesting of title – provides guidelines for how a property should be passed, should one or all of the property owners become deceased.

To understand how a Last Will and Testament or Trust can also be used in this scenario, please consult legal counsel. Scan to learn more about each vesting title type



How to Read a Loan Estimate

When you apply for a mortgage, the government – specifically the Consumer Financial Protection Bureau (CFPB), requires your lender to provide you with a Loan Estimate within three business days of receiving your application. This document provides all the estimated costs associated with the requested mortgage, so you can more easily understand and compare competing mortgage offers. To better understand a Loan Estimate, visit the CFPB website at: **bit.ly/loan-estimate**. You can also find a sample form with interactive tips and definitions by visiting **bit.ly/loan-estimate-sample**.

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/iew	ving page: 1 2	3					
	FICUS BANK					Oheck spelling of your name	
	4321 Random Boulevard - Somecity, 5T 12340 Sove this Loon Estimate to co Loan Estimate DATE ISSUED 2/15/2013 APPLICANTS Michael Jones and Mary Stone 123 Anywhore Stroet Arytown, ST 12345 PROPERTY 455 Somowhere Avenue Arytown, ST 12345 SALE PRICE \$180,000 Sove this Loon Estimate to co LOAN TYEM 30 years PURPOSE PURPOSE LOAN TYEM 30 years PURPOSE		mate to compare with your Closing Disclos ars aso	<u>e.</u>	 Check loan term, purpose, product, and loan type Is your rate locked? 		
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			Before closing, your interestrate, points, and leader or alto can change unless you lock the interest or tace. All other estimated closing costs expire on 3/4/2013 at 5:00 p.m. ED? Can this amount increase after closing?		ated	Check that the loan amount is what you are expecting	
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	Estimated Taxes, Insurance & Assessments Amount can increase over time	This estimate includes \$206 I Property Taxes I Momeowner's Insurance I Momeowner's Insurance a month I Other Section to on page 2 for microwed property property costs spectrately.		rance YES for escrowed property costs. You must pay for	ther-	O you have enough cash on hand to pay your Estimated Cash to Close?	
	Costs at Closing						
	Estimated Closing Costs	\$8,054 Includes \$5,672 in Loan Costs + \$2,382 in Other Costs - \$0 in Lender Credits. See page 2 for details.					
	Estimated Cash to Close	to Close \$16,054 Includes Closing Costs. See Calculating Cash to Close on page 2 for details					
	Visit www.consumerfinance.gov/mortgage-estimate for general information and tools. LOAN ISTIMATE PAGE 1013 - LOAN ID + 122456785			56780			

Source: https://www.consumerfinance.gov/owning-a-home/loan-estimate

How to Read a Closing Disclosure

The Closing Disclosure is a document that the lender must provide to a borrower at least three business days before he or she becomes contractually obligated for the loan, which is generally when the final loan documents are signed.

The Closing Disclosure is designed to work with the Loan Estimate so borrowers can easily compare the two documents and ensure they are getting the terms promised to them. However, the Closing Disclosure lists final terms so some information about loan terms, monthly payments and closing costs may have changed.

To better understand a Closing Disclosure, visit the CFPB website at: **bit.ly/closing-disclosure**. You can also find a sample form with interactive tips and definitions by visiting **bit.ly/closing-disclosure-sample**.

e	Check details		Get d	lefinitions
/iew	ving page: 1 2	3 4 5		
		This form is a statement o	final loan terms and closing costs. Compare this	Monthly Principal & Interest
	Closing Disclosure	e document with your Loan Transaction Information	Estimate.	Prepayment Penalty
	Date Issued 4/15/2013 Cosing Date 4/15/2013 Disbursement Date 4/15/2013 Settlement Agent Epsilon Title Co. File = 12-3456	Borrower Michael Jones and Mary 5 123 Anywhere Street Anytown, 51 12345 Seller Steve Cole and Amy Doe 321 Somewhere Drive	Purpose Purchase Product Fixed Rate	Ø Balloon Payment
	Property 456 Somewhere Ar Anytown, ST 12345 Sale Price \$180,000	we Anytown, ST 12345	Loan ID # 124456789 MIC# 000654321	Principal & Interest
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	See Projected Payments below for your Estimated Total Monthly Payment		ave these features?	② Estimated Total Monthly Payment
1	Prepayment Penalty		h as \$3,240 if you pay off the loan during the	Olosing Costs
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	Payment Calculation	Years 1-7	Years 8-30	
	Principal & Interest	\$761.78	\$761.78	
	Mortgage Insurance Estimated Escrow Amount can increase over time	+ 82.35 + 206.13	+ + 206.13	
	Estimated Total Monthly Payment	\$1,050.26	\$967.91	
	Estimated Taxes, insurance & Assessments Amount can increase over time See page 4 for details	This estimate inclu \$356.13 IX Property Taxes a month IX Other: Homeowner's Ins See Excow Account or ceats separately.	YES surance YES	
	Costs at Closing			
	Closing Costs	\$9,712.10 Includes \$4,694.05 In Loar in Lender Credits. See page	n Costs + \$5,018.05 in Other Costs – \$0 2 for details.	
	Cash to Close	\$14,147.26 Includes Closing Costs. See Calculating Cash to Close on page 3 for details.		

Source: https://www.consumerfinance.gov/owning-a-home/closing-disclosure

California Buyer Title and Escrow Process



Quick Guide to California Property Taxes

	Current Fiscal Year		Current Fiscal Year
Next Fiscal Year	2nd Installment Delinquent		Tax Bills Mailed
Lien Date	April 10		last week of October
Current Fiscal Year 2nd Installment Due February 1	Next Fiscal Year Last day to file for Home Exemption - 100% April 15	Current Fiscal Year Beginning of Fiscal Tax Y e	Current Fiscal Year 1st Installment Delinquer December 10 Current Fiscal Year 1st Installment Due November 1
an Feb Mar	Apr May Jun	July 1 Jul Aug Se	

Property taxes in California are not aligned to a fiscal calendar. California property tax year runs from July 1 to June 30. Tax bills are sent out in October and contain two bills (AKA installments)*. The first is due November 1 and delinquent December 10 of the same year; the second is due February 1 and delinquent April 10 of the following year.

For example:

- You get your property tax bills in October 2020
- The first bill (AKA installment) is due on or before November 1 and delinquent December 10th, 2020
- The second bill (AKA installment) is due on or before February 1 and delinquent April 10th, 2021, the following year

Although rare, some homes are purchased right as property taxes are issued. To handle this, your escrow officer will figure out EXACTLY how much the buyer and seller owe as it relates to their share of ownership for property taxes.

To ensure you have the most up-to-date information on property taxes, please contact your real estate agent, title agent, or consult local government.

Supplemental Taxes

Sellers and their agents are required to provide prospective buyers with a supplemental property tax bill notice.

When ownership changes, the respective county assessor is required to revalue the property pursuant to the California Supplemental Tax law passed in 1983 to provide greater revenue for California schools. This law arose as a result of provisions of Proposition 13, passed in 1978, that often created great increases in the assessed values of properties when they changed ownership, yet the tax due on these greater values could not be collected for as many as 15 months. This notice requirement is completely different from the Mello-Roos and Special Assessment disclosure requirements. The legislature was very clear that the notice was meant to be just that – a notice that the buyer will be receiving a supplemental property tax bill.

The reason this notice is important to buyers is because the supplemental tax bill is sent to the buyer only, and not the lender. If the buyer has arranged for the property tax payments to be impounded, where they are collected and paid by the lender, these tax bills are not normally included in the impound account and may not be paid by the lender. In this case, the buyer will have to independently pay the supplemental tax. If you have an impound account, check with your lender about whether supplemental taxes can be added to your impound account payments.

Further, with this new notice, the seller is not required to provide an estimated calculation of what the property tax may be or will be upon the close of escrow.

In determining the increase in taxes, the following factors are taken into consideration:

- What was the value prior to the change of title or completion of improvements?
- What is the new value?
- What is the tax rate in effect at the time of the change?
- How much of the fiscal year remains for the taxes being adjusted?

It's important homebuyers are aware that they may pay property taxes as many as three times in the first year, including:

- Paying the prorated amount of property tax at the escrow closing to reimburse the seller for any upfront taxes they have already paid
- Paying the supplemental tax bill for the increased assessors' valuation of the property
- Paying the subsequent regular annual property tax bill that comes from the assessor, which, in many cases, is paid by the lender through the mortgage impound account

Scan to learn how to avoid property tax penalties

Successful Closings

Pay your home insurance premium into escrow

Your lender will require that the first year of homeowner's insurance premiums be paid into escrow. Prior to closing, you will need to provide your Escrow Officer the insurance agent's name and phone number so a copy of the policy can be forwarded to the lender. If you are purchasing a condominium, verify with your real estate professional whether your insurance is paid via your homeowners' dues.

Determine how you want to hold title

Read "Common Forms of Vesting Titles" on page 6 and decide how you wish to hold title to your new home. Consult an attorney, a tax consultant, or other qualified professional if you have any questions.

Select form of escrow and closing payments

In order to close, you will be required to transfer funds to your escrow account in the form of a cashier's or certified check or wire transfer. Please make your payment payable to Doma in the amount indicated by your Escrow Officer to cover the necessary funds to close escrow. A personal check is not acceptable to close escrow, as it is required by law to verify "good funds" before disbursing payments from escrow. To satisfy this legal stipulation, you will be asked to provide a cashier's check or wire.

Show up with current government issued photo ID

We cannot stress enough; you must have a current government issued photo ID in order to close. One (or two depending on where you live) of these forms of ID must be presented at the escrow signing for the signature to be notarized:

- Department of Motor Vehicles driver license
- Department of Motor Vehicles identification card
- Passport
- Any other state-approved identification with a photograph, description of the person, an identifying number and a signature of the person

You must have 1-2 current government-issued photo ID's in order to close. Confirm with your title company how many you need for your state.



***FRAUD WARNING:**

Doma will require independent confirmation for any written instructions, amendments, or revisions thereto, from buyer or seller relating to wires. If you receive wire instructions from Doma that deviate from wire information you have previously received or been given by Doma, please contact your Doma settlement officer immediately.

Moving Checklist

Moving can be overwhelming. To make it a little less stressful, we've compiled a list of common things to consider:

Change your address

- Set up a forwarding address at the Post Office
- Shipping address on favorite websites
- Billing address on credit cards
- Delivery/subscriptions addresses often require several weeks' notice
- Notify friends and relatives so holiday cards go to the right place

Check your bank

- Cancel any automatic payment or direct deposit arrangements for your old property
- Transfer funds and arrange check-cashing in new city (if necessary)
- Arrange credit references (if necessary)
- Check your safety deposit box (if necessary)

Notify insurance of new location

- Life Insurance
- Health Insurance
- Fire / Wind / Flood Insurance
- Auto
- Close out and disconnect utilities, collect refunds for deposits, pay final bills:
 - Gas Electric Water Sewer Phone
 - □ Internet □ Cable □ Garbage □ Recycling

End services or update service providers

- Landscaping
- Pool maintenance
- Cleaners / Maids
- Pet walker / sitter
- Accountants obtain all personal records
- Lawyers obtain all personal records

Transition children (below 18)

- Register for school
- Transfer school records
- Arrange for childcare or afterschool care
- Register for activities (dance, sports, art classes, etc.)

Transition pets

- Microchip and or tag pets
- Obtain all medical records
- Ask for veterinarian referral
- Notify pet service providers: grooming, walking, pet day care, boarding, etc.
- Pick up pet prescriptions / change pharmacies
- Ask about regulations for licenses, vaccinations, etc.

Move medical care: medical, dental, and prescriptions

- Check health insurance coverage in new location
- Obtain birth records, medical records, x-rays, etc.
- Ask for doctor and dentist referrals
- Transfer prescriptions: eyeglasses, medications, etc.

Clean BEFORE you move

- Defrost freezer and clean refrigerator
- Service washer / dryer / stove, etc.
- Place baking soda or charcoal inside to dispel odor
- Clean rugs then wrap them for moving
- Clean clothes then pack them for moving

Confirm details with movers/storage

- Insurance coverage for movers
- Packing help
- Plan for arrival day
- Shipping details and contract papers
- Time of packing / delivery
- Expected payment type (cash, credit, check, etc.)

Prepare for moving day

- Plan for special care needs for your infant and pets
- Pack a day or two worth of extra clothing in case of delay
- Assemble first day items soap, toilet paper, pencils, paper, toiletries, bath towels, utility knife, scissors, trash bags, etc.
- Explore tax-deductible moving expenses
- Have car checked and serviced for the trip

First items to set up at your new address

- Check on service of gas, electricity, water, telephone, garbage and cable TV
- Check pilot light on stove, hot water heater, and furnace
- Have appliances checked
- Ask mail carrier for mail he or she may be holding for you and setup mail forwarding from your old address

First items to set up at your new address (cont.)

- Apply for a state driver license (or just address change if needed)
- Register for voting
- Register car within thirty (30) days after arrival in state or a penalty may have to be paid when getting new license plates
- Obtain inspection sticker and transfer motor club membership

About Doma: Architecting the future of real estate transactions

Doma is architecting the future of real estate transactions by using machine intelligence and its proprietary technology solutions to transform residential real estate, creating a vastly more simple, efficient, and affordable real estate closing experience. Doma and its family of brands – States Title, North American Title Company (NATC) and North American Title Insurance Company (NATIC) – offer solutions for current and prospective homeowners, lenders, title agents, and real estate professionals. Doma's clients include some of the largest bank and non-bank lenders in the United States.

To learn more, visit doma.com.



Still have questions? Scan to see our Homebuyer FAQ





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