

# **Online Deed Preparation using TrustedDeeds.Com**



Select option  
Deed

Use our online document creation platform to create customized, state-specific deeds in minutes. Only \$59.99 per property.

Select the type of deed below to get started

Deed

Transfer-on-Death Deed

## Get the Deed Form That's Right for You

This interview will help create a customized, state-specific deed in minutes. It guides you through a step-by-step interview to help you determine the type of deed and the language you need to achieve your goals. We support all of the most popular deed types—including quitclaim deeds, life estate deeds, lady bird deeds, special warranty deeds, warranty deeds, and more. When the interview is complete, your software will create the deed and any related documents. It will also provide you with clear instructions about how to sign and record the deed.

Before we get started, there are a few items that you will need to collect:

- **Prior deed to the property.** You will need the prior deed to the property. If you are the current owner, this is the deed that transferred the property to you.
- **Names and addresses.** You will need the names and addresses of every person, business, or trust that is *transferring* the property. You will also need the names and addresses of every person, business, or trust that is *receiving* the property.

Gathering this information in advance will help streamline the deed creation process.

### Property State \*

Select the state where the property is located.

Select State from drop down list. Any time you can save the progress by clicking Save Progress.

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Each state has its own legal requirements for deeds. Your deed will be customized for use in California.

## County Information

Enter the following information about the local jurisdiction where the property is located.

**County \***

Santa Clara County



**The property is located: \***

- ☐ Within city limits
- ☐ In an unincorporated area

Select County,  
Select option  
Within City Limits.  
For most of them  
this is the option

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## County Information

Enter the following information about the local jurisdiction where the property is located.

**County \***

Santa Clara County



**The property is located: \***

☒ **Within city limits**

☐ In an unincorporated area

## City or Town

Indicate the city, town, or other jurisdiction where the property is located. The answers will be displayed in this format: \_\_\_\_\_ of \_\_\_\_\_. For example, "City of Philadelphia" or "Town of Fowler."

**City/Town/Township \***

City



OF

**City/Town Name \***

Sunnyvale

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## Special Circumstances

This section helps us identify special circumstances that could affect the deed.

**Will an agent under a power of attorney sign documents on behalf of one or more current owners? \***

☐ Yes ☒ No

**Are any of the current owners deceased? \***

☐ Yes ☒ No

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## Goals

The next step is to be sure that we are creating the right type of deed for you. If you are unsure of the type of deed you need, the questions below can help you with your choice.

### What would you like to do? \*

- ☐ Make a lifetime transfer of the property to one or more new owners
- ☐ Create a deed that transfers property upon the death of an owner
- ☐ Add one or more new owners to a deed
- ☐ Transfer property to an ex-spouse following a divorce
- ☒ **Transfer property to a living trust**

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## Add Grantor

## Type: \*

- ☒ Individual or Married Couple
- ☐ Business or Organization
- ☐ Living Trust or Other Trust

## Basic Information

## Gender \*

- ☒ Male ☐ Female

## First Name \*

## Middle Name

(Optional)

## Last Name \*

## Name Suffix

(Optional)

## Other names? \*

Review the prior deed to the property. Does this owner's name differ in any way from the way the prior deed is worded? If so, choose **Yes**.

- ☐ Yes ☒ No

☐ Yes ☒ No

### Marital Status \*

Married



California is a community property state. In community property states, a married couple is treated as owning all property acquired during the marriage as community property (50/50 ownership), even if only one spouse's name is listed on the property. There are exceptions for property acquired by gift or inheritance.

If the real estate being transferred is community property, you should indicate that both spouses own the property. California law requires both spouses' signatures on a deed that transfers community property.

### Does this person's spouse also own the property? \*

Answer **Yes** only if the spouse currently owns the property at this time.

☒ Yes ☐ No

### Spouse

**A married couple counts as a single entry.** Only enter spouse information once for each married couple. Once you enter the spouse's information here, do not add the spouse as a separate entry.

### Spouse's Gender \*

☐ Male ☒ Female

**Middle Name**

(Optional)

**Last Name \*****Other names? \***

Review the prior deed to the property. Does this owner's spouse's name differ in any way from the way the prior deed is worded? If so, choose **Yes**.

☐ Yes ☒ **No****Address**

Enter the address where this grantor lives and receives mail. This address may or may not be the same as the property address. If the grantor is an individual or married couple, be sure to enter a residential address. P.O. boxes are not allowed.

**Address \***

Street Address

Address Line 2 (Optional)

City

State / Province / Region

ZIP / Postal Code

Country

31%

## Current Owner Information

The current owners of the property that will sign the deed are called *grantors*. Use the **Add Grantor** button below to add the name and address of each grantor. **Do not enter any deceased owners on this screen.**

### Current Owners (Grantors)

| Grantor Name                                                                       |
|------------------------------------------------------------------------------------|
|  |

[Edit](#) [Delete](#)

Add Grantor

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## Trust Information

Enter the following information about the trust that will own the property.

### Trust Name \*

Do not include the date. The date will be supplied based on the date you select below.

### Trust Date \*

### How many trustees act on behalf of this trust? \*

Enter the number of trustees currently serving. Do not include successor trustees.

## Trustee 1

Enter the following information about the first trustee.

### Trustee 1 Name \*

### This trustee is an: \*

☒ Individual ☐ Organization

☒ **Individual** ☐ Organization

**Trustee 1 Gender \***

☒ **Male** ☐ Female

**Trustee 2**

Enter the following information about the second trustee.

**Trustee 2 Name \***

Chona Poe

**This trustee is an: \***

☒ **Individual** ☐ Organization

**Trustee 2 Gender \***

☐ Male ☒ **Female**

**Address****Address \***

Street Address

1533 Orillia Ct

Address Line 2 (Optional)

City

Sunnyvale

State

California



ZIP Code

In the real estate context, a *warranty of title* is a guarantee that the transferor of real estate has the right to transfer ownership and that no one else can claim ownership of the property.

If the deed includes a warranty of title and it turns out that there is a problem with title to the property—for example, if there is an undisclosed mortgage, a tax lien against the property, or an outstanding boundary dispute—the transferee may sue the transferor for breaching the warranty.

Most deeds are named after the warranty of title they provide. In California, the following types of deeds are identified by their warranty of title (or lack thereof):

**California Warranty Deed.** Provides an absolute covenant/warranty of title that covers anything that could affect title to the property, including actions that occurred before the current owner owned the property. Places all risk on the transferor. Often used in the sale context, when the seller is receiving value for the property.

**California Grant Deed.** Provides an absolute covenant/warranty of title that covers anything that could affect title to the property, but only covers issues that arose while the current owner owned the property. Divides the risk between the transferor (who is responsible for issues that arose during the transferor's ownership) and the transferee (who is responsible for issues that arose before or after the transferor owned the property).

**California Quitclaim Deed.** Provides no warranty of title. The transferee acquires whatever interest the transferor has. The transferor is not responsible for any title issues, regardless of when they arose. All risk is on the transferee. A Quitclaim Deed is used most often when transferring property to spouses or family members as a gift (without consideration).

The choices below allow you to choose the warranty of title to apply.

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**Select the warranty of title: \***

If you know the type of deed you would like, choose it from the options below. Otherwise, choose **Help Me Decide** for assistance with determining the right deed form for you.

- ☐ Quitclaim Deed
- ☐ Grant Deed
- ☒ **Warranty Deed**
- ☐ Help Me Decide

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Grant Deed for  
California. Mostly  
other states has  
Warranty Deed. The  
name might differ

## Reservations and Exceptions to Conveyance and Warranty

A reservation and exception clause in a deed identifies any issues affecting real estate that are not part of the transfer to the new owner. This clause ensures that the current owners do not attempt to transfer anything that they do not own. If the deed includes a warranty of title, the reservations and exceptions identify items that are excluded from the warranty, thereby protecting the current owner from a claim that he or she breached the warranty of title.

Reservation and exception clauses usually exclude anything that has been recorded in the land records that could affect the property. If, for example, a prior owner reserved the mineral rights to the property, the current owner does not own the mineral rights and thus cannot convey them to the new owner. The reservation and exception clause makes it clear that the prior reservation of mineral rights is not included in the conveyance or the warranty.

The clause below will be included in the deed. Although you are free to do so, **we do not recommend making changes to this clause unless you have experience with drafting deeds to real estate and understand the legal implications of the changes.**

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### Exceptions from Conveyance

This conveyance is subject to any and all validly existing easements, rights-of-way, and prescriptive rights, whether or not of record; all other presently recorded and validly existing restrictive covenants and reservations of oil, gas, and other minerals that affect the Property; all other presently recorded and validly existing instruments, other than conveyances of the surface fee estate, that affect the Property; taxes and assessments for the current year and all subsequent years; and zoning and other governmental regulations.

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To be valid, a deed or affidavit must include a legal description. The legal description for the deed or affidavit purposes is **not** the same as the legal description from the property tax records. You should not use the description from the property tax records as the legal description. Make sure to get the legal description from the prior deed.

☐ Tell me more about legal descriptions

**Select One: \***

Selecting **I will attach the legal description to the Grant Deed** will include a cover page for an exhibit that you can "attach" by adding the typed legal description on a separate document to be filed along with the deed. If your prior deed used an attached legal description, you may be able to use a copy of the same attachment.

- ☒ **I want to enter a legal description here**
- ☐ I will attach the legal description to the Grant Deed

**Legal Description \***

Enter the legal description for the property. To find the legal description, look at the deed that conveyed the property to the current owner.

You can chose 2<sup>nd</sup> option if  
you have legal description in  
Exhibit A in existing deed.

Enter Full Legal Description of the  
property. You can get it from existing  
deed or from county recorder website.  
You need full legal description not  
partial

**Assessor's Parcel Number**

Enter the Assessor's Parcel Number used to identify the property for local property tax purposes. It may go by different names, depending on the county. To locate it, look at prior tax statements, the prior deed to the property, or the city or county property tax records. Most counties have online search tools to search the property tax records.

Leaving this answer blank will insert a blank space on the document to be filled in later.

Parcel Number. Check your  
old deed or county recorder.

62%

## Transfer Tax Exemptions

California documentary transfer tax applies to transfers of California real estate. Some deeds are exempt from California documentary transfer tax, as long as the basis for the exemption is stated on the deed or a related document.

Because you are transferring property to a trust, we will include the following statement of exemption:

**This document is exempt from California documentary transfer tax for the following reason: This conveyance transfers an interest into or out of a living trust (R & T 11930).**

If that language accurately describes this situation, we recommend selecting **Yes** below to accept the default documentary transfer tax exemption provided. Otherwise, you can select **No** below to determine if another documentary transfer tax exemption applies.

---

**Accept the default transfer tax exemption? \***

☒ **Yes** ☐ **No**

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**Next**

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## California Recording Fee

For transfers after January 1, 2018, Cal. Gov't Code § 27388.1 imposes an additional \$75 recording fee on any "real estate instrument, paper, or notice required or permitted by law to be recorded." The term *real estate instrument* is broadly defined and generally includes all deeds to California real estate.

**A Note on Transfers to California Trusts:** Although the language of the exemption specifically refers to "a transfer of real property that is a residential dwelling *to an owner-occupier*," we have heard from customers that local tax offices are treating a transfer to a trust as a transfer to an owner-occupier.

Selecting **Document is a transfer of real property that is a residential dwelling to an owner-occupier** below could avoid the \$75 recording fee. Please check with the county recorder for specific requirements or if you have any questions.

### Recording Fee Options \*

There are a few exceptions to the \$75 recording fee. To claim an exemption, the deed or other instrument must include a declaration of exemption specifying the reason for exemption. If the transfer is exempt from documentary transfer tax, do not choose the first option.

- ☐ Document is a transfer of real property subject to the imposition of transfer tax.
- ☒ **Document is a transfer of real property that is a residential dwelling to an owner-occupier.**
- ☐ Document is recorded in connection with an exempt transfer of real property (i.e., subject to transfer tax or owner-occupied).
- ☐ The maximum fee of \$225 per transaction is reached.
- ☐ None of these apply

Rental property this  
option might be  
different

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## Interest Conveyed

Enter the following information about the interest conveyed. As a general rule, if all property owners are signing the deed (which is usually recommended), then the deed should convey the entire property.

If this document deals with only a partial interest in the property, select "Partial Interest." Otherwise, select "Entire Interest."

☒ **Entire Interest**

☐ Partial Interest

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### Signing Information (Optional)

Enter the following information about the place and date of signature. If you are unsure when or where the document will be signed, or if the document will be signed by different owners in multiple states, click Next to skip to the next section.

#### Signing State

Select the state in which this document will be signed. If unsure, leave blank.

Select the state where  
you are located.

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## Document Options

The options below can help further customize your document to meet your preferences.

### File Format \*

PDF files do not require word processing software like Microsoft Word. The disadvantage of PDF files is that they are difficult to edit after assembly (although you can always contact us if you need to change your answers). Microsoft Word files can be edited in Microsoft Word (or compatible software) after the document is created.

- ☒ PDF (.pdf) files
- ☐ Microsoft Word (.docx) files

### Fix formatting errors?

Our software will look for items like improper capitalization and attempt to correct them. If you would like to turn this feature off, select **No**. It is usually best to leave the answer as **Yes**.

- ☒ Yes ☐ No

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☒ I agree to the Terms of Use

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## Preparer Information

Enter the following information about the person preparing this document.



Under California law, the preparer of a deed must be identified on the face of the deed. The preparation or facilitation of documents other than by an attorney may constitute the unauthorized practice of law. This rule generally does not apply if the preparer is a party to the document, though some states limit this exception in the real estate context to deeds prepared by the person *receiving* the property (the *grantee*). **The person named in this section will be identified as the preparer of the document and should be a party to the document.**

Gender \*

☐ Male ☐ Female

First Name \*

Middle Name

Last Name \*

Firm or Company (Optional)

Address \*

Street Address

Address Line 2

City

State

ZIP Code

Is this person an attorney? \*

☐ Yes ☒ No

Return recorded documents to different address? \*

After signing and notarizing the California Grant Deed as described in the instructions we will provide, you will record (file) the California Grant Deed in the land records. If you would like the recorded California Grant Deed to be returned to an address other than the one listed above, select **Yes** and enter the address below. Otherwise, select **No**.  
**Note that property tax statements may be returned to the same address where the documents are returned.**

☐ Yes ☒ No

## Delivery E-mail Address

The documents will be delivered to the email address listed below. It is important to enter a valid e-mail address and to check that e-mail address for any correspondence from us. **We do not sell your e-mail address or use it for anything other than communicating with you about this matter.**

E-mail Address \*

Enter Email

Confirm Email

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Next

Save Progress

- Add preparer information. Do not do for other people property.
- Final Review
- Select Save Progress option in case you want to come back and review.
- Finalize will take you to the payment.
- Once Payment is made, a copy of your deed is sent to your email address.
- Instructions to edit one time is in step 3, in instruction pdf sent in email.
- Print the document and Notarize it.