

Assembly Bill No. 1642

Passed the Assembly April 23, 2012

Chief Clerk of the Assembly

Passed the Senate June 28, 2012

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2012, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 880.340 of the Civil Code, and to amend Section 27201 of the Government Code, relating to the county recorder.

LEGISLATIVE COUNSEL’S DIGEST

AB 1642, Gordon. County recorder: recordation of documents.

Existing law requires the county recorder, upon payment of proper fees and taxes, to record any document that is authorized or required by statute or court order to be recorded, provided that the document meets certain standards.

This bill would additionally require the county recorder to record any document that is authorized or required by local ordinance adopted within that county to be recorded.

Existing law sets forth the required form that a notice of intent to preserve an interest in real property must take.

This bill would revise that form.

The people of the State of California do enact as follows:

SECTION 1. Section 880.340 of the Civil Code is amended to read:

880.340. Subject to all statutory requirements for recorded documents, a notice of intent to preserve an interest in real property shall be in substantially the following form:

RECORDING INFORMATION

Recording requested by:	FOR USE OF COUNTY RECORDER
After recording return to:	

Indexing instructions.

This notice must be

indexed as follows:
Grantor and grantee
index—each claimant
is a grantor.

NOTICE OF INTENT TO PRESERVE INTEREST

This notice is intended to preserve an interest in real property from extinguishment pursuant to Title 5 (commencing with Section 880.020) of Part 2 of Division 2 of the Civil Code (Marketable Record Title).

Claimant Name:
 Mailing address:
 (must be given for each claimant)

Interest Character (e.g., power of
 termination):
 Record location of document
 creating or evidencing
 interest in claimant:

Real Property Legal description (may be same
 as in recorded document
 creating or evidencing
 interest in claimant):

I assert under penalty of perjury that this notice is not recorded for the purpose of slandering title to real property and I am informed and believe that the information contained in this notice is true. If this notice is made on behalf of a claimant, I assert under penalty of perjury that I am authorized to act on behalf of the claimant.

Signed: _____ Date: _____
 (claimant)

(person acting on behalf
of claimant)

Certificate of acknowledgment required.

SEC. 2. Section 27201 of the Government Code is amended to read:

27201. (a) The recorder shall, upon payment of proper fees and taxes, accept for recordation any instrument, paper, or notice that is authorized or required by statute, or court order to be recorded, or authorized or required to be recorded by a local ordinance that relates to the recordation of any instrument, paper, or notice that relates to real property, if the instrument, paper, or notice contains sufficient information to be indexed as provided by statute, meets recording requirements of state statutes and local ordinances, and is photographically reproducible. The county recorder shall not refuse to record any instrument, paper, or notice that is authorized or required by statute, court order, or local ordinance that relates to the recordation of any instrument, paper, or notice that relates to real property to be recorded on the basis of its lack of legal sufficiency.

“Photographically reproducible,” for purposes of this division, means all instruments, papers, or notices that comply with standards as recommended by the American National Standards Institute or the Association for Information and Image Management for recording of records.

(b) (1) Each instrument, paper, or notice shall contain an original signature or signatures, except as otherwise provided by law, or be a certified copy of the original.

(2) A facsimile signature shall be accepted on a lien recorded by a governmental agency when that facsimile signature has been officially adopted by that agency. The lien shall have noted on its face a statement to that effect. A copy of the agency’s resolution or action adopting the signature for facsimile transmission purposes or a certified copy of the agency’s adopted signature shall be provided to the county recorder when the signature is officially adopted by the agency, or at the beginning of each calendar year.

Approved _____, 2012

Governor