

Destry has something to say.....

Recently I have had a few clients ask me about the Homestead Exemptions. I thought this would be a good forum to explain it....

The Assessor-County Clerks-Recorder's office has no authority or responsibility in this area, however, this voluntary exemption is a legal protection afforded homeowners under statutory law. This information is for general purposes only.

The homestead exemption is a statutory protection whereby a homeowner's equity in his or her residence may be protected from judgments, liens and creditors.

If a court has ordered the sale of a home to satisfy a judgment, a certain amount of the equity may be protected and retained by the homeowner. The amount protected is \$50,000 for single homeowners, \$75,000 for families, and \$125,000 for seniors, disabled and low-income homeowners earning \$15,000 or less annually. In order to qualify, a home must be the principal place of residence, and the homeowner may have only one exemption at a time.

In order to receive this exemption, you must record a Declaration of Homestead with the Assessor-County Clerk-Recorder. A Declaration of Homestead is a document that names the declared homestead owner, describes the homesteaded property and states that the property is the homestead owner's principal place of residence. "Homestead Declaration" forms are available online at the county website.

A homestead exemption will not prevent foreclosure by a lender, mechanic's liens, seizure and sale for back taxes, or to avoid paying child support or alimony.

For more information about the homestead exemption, contact your legal adviser, or refer to the California Code of Civil Procedure, Sections 704.910-704.995.

For information about buying or selling your real estate, call me immediately at **951-541-4852**.

Destry Johnson

Thanks to an anonymous legal source for the previous information.

RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

NAME

STREET ADDRESS

CITY, STATE & ZIP CODE

S	R	U	PAGE	SIZE	DA	MISC	LONG	RFD	COPY
M	A	L	465	426	PCOR	NCOR	SMF	NCHG	EXAM
						T:	CTY	UNI	

SPACE ABOVE THIS LINE FOR RECORDER'S USE ONLY

HOMESTEAD DECLARATION

I, _____,
(FULL NAME OF DECLARANT)

do hereby certify and declare as follows:

(1) I hereby claim as a declared homestead the premises located in the City of _____
County of _____, State of _____ commonly known as _____
(STREET ADDRESS)

and more particularly described as follows: [Give complete legal description]

(2) I am the declared homestead owner of the above declared homestead.

(3) I own the following interest in the above declared homestead:

(4) The above declared homestead is [strike inapplicable clause] my principal dwelling and
the principal dwelling of my spouse
[strike inapplicable clause] I am
my spouse is currently residing on that declared homestead.

(5) The facts stated in this Declaration are true as of my personal knowledge.

Dated: _____, _____
(SIGNATURE OF DECLARANT)

STATE OF CALIFORNIA }
COUNTY OF _____ }

On _____ before me, _____, personally appeared
(here insert name and title of the officer)

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 _____