

WHAT IS A HOMESTEAD DECLARATION?

A properly recorded Homestead Declaration protects the declarant from losing a portion of "his or her" equity due to lawsuits that result in judgment liens being attached to their property.

Who is eligible for a Homestead Declaration?

All homeowners that reside in their home, and use it as their principal place of residence.

What are the current amounts of protection?

The equity, which is protected from lien attachment,

is as follows:

Each person owning an interest in the home, such as an unmarried co-owner \$50,000
Head or member of Family \$75,000
Husband and Wife \$75,000
Single (65 years and older or disabled) \$125,000
Husband and Wife (when one or both is 65 or disabled) \$125,000



Do these amounts ever change?

Yes, periodically, the California State Legislature will raise the amounts of entitlement. The homeowner will automatically receive the amount of the increase, without having to re-file additional paperwork.

Can I remove the Homestead?

Yes. There are three ways this can be accomplished:

1. You can record a document called "abandonment of Homestead"
2. If you sell your home, the Homestead is automatically removed.
3. By Operation of law, if you change your principal place of residence and you record a new homestead, the first homestead that you recorded will cease to exist.

What items are not covered by the Homestead?

To name a few:

- Judgment for spouse or child support.
- Tax Liens & Mechanic's liens.
- Judgments recorded before your Homestead.
- Loans or debts secured by the property (Deed or Trust).

For further information on Homestead Protection, please consult an attorney.



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