

California Consumer Report

California Title Company has a vested interest in the consumers of the state of California.



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Celebrate Autumn

Aquarium Kids Fun Run

October 08, 2011

Aquarium of the Pacific | (562) 427-4606 | <http://runlongbeach.com>



Up to 2000 kids ages 6 to 12 can race for FREE in the Aquarium Kids Fun Run. Participants will receive a commemorative marine animal medal, a finisher certificate, and FREE Aquarium admission (applicable to child runners only). The Aquarium of the Pacific has joined forces with RUN Racing and the Long Beach International City Bank Marathon & Half Marathon. Together they will host this free one-mile Kids Fun Run.

"The Big Squeeze," 3rd Annual Orange County Accordion Festival

October 9, 2011 10:00 a.m.

Orange County Market Place (88 Fair Drive) in Costa Mesa

If you think the accordion isn't cool and is just for polka dancing, think again. If you are a closeted accordionist or have an old squeezebox in the closet, it's time for a coming out party. Free face painting and mask crafts to prep for the parade with the Ukulady.



OC Beer Week

October 2nd - October 8th. | OCBeerWeek.com



OC Beer Week is a week of delicious food and beer! Check out the website for a list of the great Restaurants in Orange County that have all created fantastic menus with either beer pairings or beer flights. The menus allow OC foodies to try new restaurants or visit your favorites while enjoying fabulous food and beer. OC Beer Week offers plenty of variety from many cuisine types and plenty of beer varieties.

Silverado Days

October 14 - 16, 2011 | William Peak Park | 7225 El Dorado Drive | Buena Park

Held each October, this community festival includes a parade, food and game booths. Featured contests include World Amateur Arm Wrestling Championship, Custom Car Show, a pie-eating contest, International Chili Society Chili Cook off, hog calling, sexiest/hairiest legs, Little Miss Chili Pepper & Mr Hot Stuff Baby Contest, dog show and Karaoke Contest.



Main Street Halloween Celebration

Downtown Huntington Beach Main Street

For children of all ages, this annual Halloween celebration features games, a haunted house, petting zoo, pony rides, activity booths, a bounce house, costume contest and more. Children 12 and under can trick-or-treat along Main Street and enter into a costume contest. This event is pet friendly!



Common Ways of Holding Title?



How Should I take ownership of the property I am buying?

This important question is one California real property purchasers ask their real estate, escrow and title professionals every day. Unfortunately, though these professionals may identify the many methods of owning property, they may not recommend a specific form of ownership, as doing so would constitute practicing law.

Because real property has become increasingly more valuable, the question of how parties take ownership of their property has gained greater importance. The form of ownership taken—the vesting of title—will determine who may sign various documents involving the property and future rights of the parties to the transaction. These rights involve such matters as: real property taxes, income taxes, inheritance and gift taxes, transferability of title and exposure to creditor's claims. Also, how title is vested can have significant probate implications in the event of death.

The California Land Title Association (CLTA) advises those purchasing real property to give careful consideration to the manner in which title will be held. Buyers may wish to consult legal counsel to determine the most advantageous form of ownership for their particular situation, especially in cases of multiple owners of a single property.

The CLTA has provided the following definitions of common vestings as an informational overview only. Consumers should not rely on these as legal definitions. The Association urges real property purchasers to carefully consider their titling decision prior to closing, and to seek counsel should they be unfamiliar with the most suitable ownership choice for their particular situation.

Common Methods of Holding Title

Sole Ownership

Sole ownership may be described as ownership by an individual or other entity capable of acquiring title. Examples of common vesting cases of sole ownership are:

1. A Single Man or Woman:

A man or woman who is not legally married or in a registered domestic partnership. For example: John Buyer, a single man.

2. A Married Man or Woman as His or Her Sole and Separate Property:

A married man or woman who wishes to acquire title in his or her name alone. The title company insuring title will require the spouse of the married man or woman acquiring title to specifically disclaim or relinquish his or her right, title and interest to the property. This establishes that both spouses want title to the property to be granted to one spouse as that spouse's sole and separate property. For example: Bruce Buyer, a married man, as his sole and separate property.

3. A Registered Domestic Partner as His or Her Sole and Separate Property:

A registered domestic partner who wishes to acquire title in his or her name alone. The title company insuring title will require the domestic partner of the person acquiring title to specifically disclaim or relinquish his or her right, title and interest to the property. This establishes that both registered domestic partners want title to the property to be granted to one partner as that person's sole and separate property. For example: Bruce Buyer, a registered domestic partner, as his sole and separate property.

CO-OWNERSHIP

Title to property owned by two or more persons may be vested in the following forms:

1. Community Property:

A form of vesting title to property owned together by husband and wife or by registered domestic partners. Community property is distinguished from separate property, which is property acquired before marriage or before a registered domestic partnership, by separate gift or bequest, after legal separation, or which is agreed in writing to be owned by one spouse or registered domestic partner.

In California, real property conveyed to a married person, or to a registered domestic

partner, is presumed to be community property, unless otherwise stated. Since all such property is owned equally, both parties must sign all agreements and documents transferring the property or using it as security for a loan. Each owner has the right to dispose of his/her one half of the community property, by will. For example: Bruce Buyer and Barbara Buyer, husband and wife, as community property.

2. Community Property with Right of Survivorship:

A form of vesting title to property owned together by husband and wife or by registered domestic partners. This form of holding title shares many of the characteristics of community property but adds the benefit of the right of survivorship similar to title held in joint tenancy. There may be tax benefits for holding title in this manner. On the death of an owner, the decedent's interest ends and the survivor owns the property. For example: Bruce Buyer and Barbara Buyer, husband and wife, as community property with right of survivorship.

3. Joint Tenancy:

A form of vesting title to property owned by two or more persons, who may or may not be married or registered domestic partners, in equal interests, subject to the right of survivorship in the surviving joint tenant(s). Title must have been acquired at the same time, by the same conveyance, and the document must expressly declare the intention to create a joint tenancy estate. When a joint tenant dies, title to the property is automatically conveyed by operation of law to the surviving joint tenant(s). Therefore, joint tenancy property is not subject to disposition by will. For example: Bruce Buyer, George Buyer, as joint tenants.

4. Tenancy in Common:

A form of vesting title to property owned by any two or more individuals in undivided fractional interests. These fractional interests may be unequal in quantity or duration and may arise at different times. Each tenant in common owns a share of the property, and is entitled to a comparable portion of the income from the property and must bear an equivalent share of expenses. Each co-tenant may sell, lease or will to his/her heir that share of the property belonging to him/her. For example: Bruce Buyer, a single man, as to an undivided 3/4 interest and Penny Purchaser, a single woman, as to an undivided 1/4 interest, as tenants in common.

Other ways of vesting title include as:

1. A Corporation*:

A corporation is a legal entity, created under state law, consisting of one or more shareholders but regarded under law as having an existence and personality separate from such shareholders.

2. A Partnership*:

A partnership is an association of two or more persons who can carry on business for profit as co-owners, as governed by the Uniform Partnership Act. A partnership may hold title to real property in the name of the partnership.

3. Trustees of a Trust*:

A Trust is an arrangement whereby legal title to property is transferred by the grantor to a person called a trustee, to be held and managed by that person for the benefit of the people specified in the trust agreement, called the beneficiaries.

4. Limited Liability Companies (LLC)*:

This form of ownership is a legal entity and is similar to both the corporation and the partnership. The operating agreement will determine how the LLC functions and is taxed. Like the corporation its existence is separate from its owners.

*In cases of corporate, partnership, LLC or trust ownership - required documents may include corporate articles and bylaws, partnership agreements, LLC operating agreements and trust agreements and/or certificates.

Remember

How title is vested has important legal consequences. You may wish to consult an attorney to determine the most advantageous form of ownership for your particular situation.



Useful Websites

Travel Packages

travelsupermarket.com

Travel supermarket covers everything from late package deals to insurance; one of the best price comparison sites.

Hidden Job Finder

www.LinkUp.com

More than 800,000 listings taken from company Web sites, not from newspapers and other media.

Happy News

www.HappyNews.com

Positive and compelling news stories about heroes, health, science, and more.

Custom Chocolate Bar

www.createmychocolate.com/

The best part of using this custom chocolate bar site is how easy it is to use. In a few minutes, you can choose the basic chocolate ingredient (e.g., dark), add extra candies or nuts, and enter your address. In a few days, your custom bar arrives. The interface is so slick we hope they start offering other candy besides the basic bar -- or even expand into cookies or other snacks.

Theme Cruise Locator

www.ThemeCruiseFinder.com

Hundreds of cruises that offer special programs on antiques, food/wine, music, sports and other popular topics.

TITLE INSURANCE

www.caltitle.com

Filled with information and links to services designed to fill your real estate needs. Searchable new home listings, realtor listings, investment, commercial, and builder information.

Creative Financing—Carrying Back a Second? You Need a Lender's Title Policy

Creative financing: You've heard of it, and, as a seller, the idea sounds pretty attractive. But, do you know everything you need to know about carrying back a second; essentially, about becoming a lender? You better know the same things that financial institutions know - you better know about lender's title insurance.

It's time to sell your \$150,000 home, a home that you have owned for fifteen years, a home in which you have substantial equity. The loan terms call for a \$20,000 down payment from your buyer, a new \$100,000 loan from a local savings and loan, and for you, the seller, to carry back a note for the remaining \$30,000.

Will you, the seller, need title insurance?

Yes, you will. Everyone who retains an interest in the property needs title insurance. When you took on the role of lender, you retained a record title interest, which you will want to protect for the term of the loan.

But, why would you need lender's title insurance when the repayment of your loan is assured by a lien in the form of a recorded deed of trust against the property? What could possibly go wrong?

You must insure yourself for the same reason that financial institutions obtain title insurance - for the protection of your investment. You must be assured that your lien on the property cannot be defeated by a prior lien or other interest in the property, which, if exercised, would wipe out your security.

Anything that involves the new buyer's ownership rights to the property is of direct interest to you because you are holding the second mortgage. If such ownership rights are in question or defective, you may have trouble collecting your monthly mortgage payments. But, you say, there is nothing in your property's history that could cause problems: no problems with easements, no problems with boundaries, and no problems with rights-of-way.

Contrary to what may be popular belief, these matters are not the only source of title problems; a large proportion of title problems arise out of man's interaction with man. The fact of a marriage, a divorce, a death, a forgery, a judgment for money damages, a failure to pay state or federal taxes - these occurrences can and usually will affect your rights as a mortgage lender.

As an example of what can befall the lender, did you know that a federal tax lien recorded against your "buyer" before the loan transaction is concluded may result in the loss of security in "your" home? Sophisticated mortgage lenders are aware of this possibility as well as many others, which could jeopardize their loan security and seek the protection afforded by a lender's title insurance policy.

If you are considering carrying back a second, be sure to get all the facts regarding the benefits of lender's title insurance.

When you buy or sell real estate,
please specify California Title Company.



Real Estate Fraud Alert

Real estate fraud is a form of theft criminals may use to steal your home, real estate holdings or the equity in your property. Real estate fraud is on the rise throughout the county and can take many forms. Your best protection against fraud is to be aware of the warning signs, and report any suspicious activity or transactions against your property.

Common Real Property Frauds:

Home Equity/Identity Fraud - A forged deed is recorded to give the appearance that the perpetrator has acquired ownership of a property. The perpetrator uses the equity in the property as collateral to borrow money. No payments are made on the new loan(s), and the true owner could face foreclosure.

Home Renovation/Mortgage Fraud - Contractors offer to do home improvement work or lenders offer special "low-interest" financing, but do not deliver what was promised. Homeowners are left with partially complete or substandard construction, or a mortgage payment that is higher than expected.

Real Estate Investment/Foreclosure Fraud - Investors are lured into buying property that is supposedly facing foreclosure for pennies on the dollar. Quitclaim deeds and other documents are forged to give the appearance that a property is being sold to avoid foreclosure.

Short Sales/Federal Loan Fraud - Transactions are completed by individual(s) practicing real estate without a license. Often fees are collected in advance, and property values are under-reported at the expense of lenders.

Common Warning Signs:

Missing Property Value Notice Or Tax Bill - A missing property value notice or property tax bill can be the first signs of a Home Equity Fraud. The Assessor mails property value notices in July, and the Tax Collector mails the bills in September. Call the Assessor at (714) 834-

2727 if you do not receive a notice, or the Tax Collector at (714) 834-3411 if you do not receive a tax bill.

You Are Notified That A Property Document Has Been Recorded - The County Clerk-Recorder sends notification to property owners when a document is filed against their property. If you did not initiate the document filing, contact your local police department or the O. C. Sheriff at (714) 647-7040.

Loan Papers Or Payment Booklets - If you receive documents for a loan you did not apply for, notify the lender immediately.

An "Investment" That Sounds Too Good To Be True - Use good judgment and do your research.

Additional Resources:

Orange County District Attorney, Economic Crimes Unit -
(714) 834-3600

State of California, Department of Real Estate -
(213) 620-2072

Orange County Consumer Fraud Hotline -
(714) 347-8706



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NOTHING ON EARTH SO BEAUTIFUL AS THE HAUL ON HALLOWEEN NIGHT.



Thank You for reading my newsletter. I wanted to produce a consumer newsletter that has informative content. Your constructive feedback is always welcome. **AND ...** when you buy or sell real estate, please specify California Title Company.