

# Title Insurance Issues Update 2024

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Updates



# Remote Online Notary

Effective 1/1/2024

- CA now recognizes RON from other states\*
- RON by CA notaries not approved until 1/1/2030 (or when Sec of State's Technology project completed)
- The document MUST remain electronic (be recorded electronically)

\*Notarization typically must go through an approved company

*Chapter 291 (SB 696 - Portantino)*



# Residential Exclusive Listing Agreements Act

- Prohibits listings of SFRs from lasting longer than 24 months
- Renewals of listings cannot last longer than 12 months
- No automatic renewals
- Unlawful to record listing agreement (or memoranda or notice) of any length

*Chapter 577 (AB 1345 - Hart)*



# Residential Exclusive Listing Agreements Act

No more 40 year listings!!



# Revocable Transfer on Death Deeds Update

- Allows transfer of Stock Coop via RTODD
- Changes verbiage about operation of conflicting documents

*Chapter 62 (AB 288 - Maienschein)*



# California Uniform Directed Trust Act

- Provides method for regulating trusts where non-trustee has role in directing the trust
- Requires consent of the public administrator, public guardian, or public conservator before they are appointed trust director or directed trustee
- Sets duties and responsibilities for trust director and directed trustee

*Chapter 721 (SB 801- Allen)*



# Prop 19 Update (Maybe)?

- Have seen no guidance from LA Assessor (yet)
- BOE 19-G
- Big News if it's true...Stay Tuned!



# Prop 19 Update (Maybe)?

- b. Has the transferee applied for a Homeowners' or Disabled Veterans' Exemption?  Yes  No

**If yes**, complete sections c, d, e, and f.

**If no**, to be eligible for the exclusion, the transferee must file and be eligible for one of the exemptions within one year of the transfer date. If the exemption claim is filed after the one-year period, prospective relief may be available.



# Unbundling of Parking

Properties with C of O after 1/1/2025

- Separate parking rent from unit rent
- No UD for parking rent
- Only certain counties (LA, Riv., San B., Ventura and others)



# LA County Rejected Recordings

- Have seen an increase in the number of recordings rejected by LA County Recorder
- They have more time to scrutinize documents due to less volume of recordings



# What to Record



# Restated Trust

- Property held by Trustee of Doe Trust 2005
- Trust amended & Restated in 2019
- Should they record a deed from TTEE of 2005 Trust to TTEE of amended restated trust?



# Married Couple Vesting

- Can record “affidavit of death of spouse”
- Spousal order not always necessary
- Community Property, Husband & Wife, A Married Couple, (of course JT & CPROS)



# Married Couple Vesting

- Does not work with Tenant-in-common vesting
- No vesting, it depends on the assessor
- No other claims to title by heirs



# Court Orders

- Record the Court Orders!!!



# Out Of Order Recordings

- Jane Doe, owner of property dies 2010
- 2012 Order Determining Succession to Real Prop to Johnny Doe and Mary Doe filed and mailed to county for recording
- 2013 Johnny and Mary doe GD to Joan Smith



# Out Of Order Recordings Cont'd

- 2022 Property remains in Jane Doe (decedent's name). It is discovered that Order was lost and never recorded.
- Order is finally recorded in 2022
- Assessor shows John and Mary Doe on title (they do not reflect the 2013 GD to Joan Smith)



# Court Orders

- Language that assessor didn't accept as a transfer:

5. Petitioner shall distribute the Estate Property as follows:

a) Cash on hand shall go towards the costs of administration.

Shall be distributed as follows:



# Court Orders

- Preferred distribution language:

THEREFORE, the residue of the decedent's estate described herein, and all other assets of the decedent whether herein described or not, to include the real property located at ~~██████████~~ 75th Street, Los Angeles, CA 90001, Assessor's Parcel No.: 6023-~~██████████~~ legally described as Lot ~~███~~ of Tract No. ~~███~~, in the City of Los Angeles, County of Los Angeles, State of California, as per map recorded in Book 68, pages 26 through 28 inclusive of maps, in the office of the County Recorder of said County, is hereby distributed to the decedent's daughter as follows:



# Court Orders

- Legal Description Recorded in the Order:


Lot XX of Tract No. XXXX in the City of Compton, County of Los Angeles, State of California as per map recorded in Book 41 page 28 of maps, in the office of the County Recorder of said county.



# Court Orders

- Complete Legal Description:

LOT XX OF [TRACT NO. XXXX](#), IN THE CITY OF COMPTON, COUNTY OF LOS ANGELES, STATE OF CALIFORNIA AS PER MAP RECORDED IN BOOK 41 PAGE 28 OF MAPS, IN THE OFFICE OF THE COUNTY RECORDER OF SAID COUNTY.

BEGINNING AT THE NORTHWEST CORNER OF SAID LOT ; THENCE ALONG THE WESTERLY LINE OF SAID LOT SOUTH 3° 16' 15" EAST 57.94 FEET, MORE OR LESS, TO THE NORTHEASTERLY LINE OF THE 100.00 FOOT STRIP OF LAND CONDEMNED BY LOS ANGELES COUNTY FLOOD CONTROL DISTRICT FOR FLOOD CONTROL CHANNEL, BY FINAL DECREE OF CONDEMNATION IN LOS ANGELES COUNTY SUPERIOR COURT, CASE WO. 398984, A CERTIFIED COPY THEREOF BEING RECORDED IN BOOK 18172 PAGE 284 OF OFFICIAL RECORDS OF SAID COUNTY; THENCE ALONG SAID NORTH EASTERLY LINE SOUTH 26° 00' 50" EAST 89.80 FEET, MORE OR LESS, TO THE SOUTHERLY LINE OF SAID LOT; THENCE ALONG SAID SOUTHERLY LINE NORTH 87° 58' 25" EAST 15.28 FEET, MORE OR LESS, TO THE EASTERLY LINE OF THE WEST 50.00 FEET OF SAID LOT; THENCE ALONG SAID EASTERLY LINE NORTH 3° 16' 15" WEST 140.00 FEET TO THE NORTH LINE OF SAID LOT; THENCE ALONG SAID NORTH LINE, SOUTH 87° 58' 25" WEST 50.00 FEET TO THE POINT OF BEGINNING.



# Court Orders

Ensure Order Covers 100% of the property ownership:

- Mother Doe 50% and Daughter Doe 50% (probate both!)
- H&W JT interest severed by deed. BK sale only for H
- Aff of death never filed for decedent who died 40 yrs ago, but is still on title



# Property Searches

- We can do Statewide and/or Countywide Searches for property owners



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