

Your House Is Waiting

A quick course in home buying.



Courtesy of Riley Scrivner
"Your Real Estate & Loan Specialist"

5870 Stoneridge Mall Rd.
Pleasanton, CA 94588
Phone: (925) 200-3908
Fax: (925) 443-5409
email: 2Rileys@comcast.net

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YOUR REAL ESTATE PROFESSIONAL

Congratulations! You have taken the first step towards owning your new home by choosing a professional real estate agent. You have made a very wise decision. Riley Scrivner, as a Professional Real Estate Agent, will be there to guide you, step by step, through the challenging home-buying process, sparing you unnecessary hassle and aggravation. Your real estate professional will:

- Listens to your wants and needs to find the perfect house for you, while taking into account your financial requirements.
- Keeps your personal tastes and lifestyle in mind when selecting properties to show you.
- Finds the properties for sale in your preferred area by the “Multiple Listing System.” Newspaper ads and “For Sale” signs are not always a true reflection of all properties on the market. Riley always knows what is available at any given time.
- Allows you to make your own decision. Riley works for you and respects your opinion. He will not try to force you into a decision you don’t feel comfortable with.
- Protects your rights. Real estate laws have become increasingly complicated and Riley is there to assist you in every way.
- Negotiates for you. Once you’ve found the home of your dreams, Riley will write up your offer and present it to the seller. This gives you the best opportunity to have your contract accepted.
- Gets the right price. Riley is a specialist in his area and knows the market inside and out. You can be confident that you are getting the best price possible.
- Doesn’t charge you anything. Riley’s services are free to you – his commission is paid by the seller.

The next step in the home-buying process is to determine the type and size home you want, as well as the area(s) you want to explore. Riley knows his area like the back of his hand, and can inform you of housing trends, as well as the pros and cons of certain neighborhoods.

Riley Can PRE-Qualify You

Free Pre-Qualification – [Click here](#)

When you have an idea of the type and size of home you want and the area you want to look in, you should be pre-qualified by a lender. By getting pre-qualified before looking for a home, you'll save yourself time, energy, and frustration because pre-qualification:

Determines How Much Home You Can Afford – Pre-qualification helps you avoid buying less home than you can afford or being disappointed if you don't qualify for as much as you'd hoped.

Lets You Know What Your Monthly Payment Will Be – You'll know approximately how much money you'll need for down-payment and closing costs.

Identifies the Loan Programs You Qualify For – With the wide variety of loan programs available, it's important to know which types you qualify for and which will best suit your needs.

Now your lender can show you some alternative programs you could benefit from. These include:

Special First-Time Homebuyer Program – With low down-payment requirements.

Co-Mortgage Financing – If you feel you can afford a higher mortgage payment but can't meet standard qualifying ratios, a co-mortgagor may work for you.

Debt Consolidation Counseling – By restructuring your debts, you may be able to afford more home.

In order to be pre-qualified, the lender will need the following information:

- 1) YOUR INCOME AND EMPLOYMENT HISTORY FOR THE PREVIOUS (2) TWO YEARS
- 2) YOUR MONTHLY DEBT AND OBLIGATIONS
- 3) THE SOURCE AND AMOUNT OF CASH AVAILABLE FOR DOWN-PAYMENT AND CLOSING COSTS

When you are pre-qualified by Riley, you will receive a Free *Certification* to give to your Real Estate Agent. When you find a home, the agent can use the Certificate to present along with your offer. The seller may be more likely to accept your contract when they know you are qualified to buy their home. Now you're ready to look at some homes.

While the property inspector will do a thorough, professional inspection of your new home for you (discuss this with Riley), it is a good idea for you to check a few things yourself when considering a home purchase. Some general considerations include:

| | | |
|-------------------|----------------------|------------------|
| ➤ Age | ➤ Ceiling Height | ➤ Waste Disposal |
| ➤ Floor Plan | ➤ General Appearance | ➤ Wiring |
| ➤ Square Footage | ➤ Heating System | ➤ # of Entrances |
| ➤ Traffic Pattern | ➤ Air Conditioning | ➤ Insulation |
| ➤ Stair Width | ➤ Plumbing | ➤ Basement |
| ➤ Hall Width | ➤ Water Supply | ➤ Attic |

You should always check and inspect these items – room by room – when considering your purchase:

- ✓ Try all lights and switches
- ✓ Turn all faucets on and off
- ✓ Flush the toilets
- ✓ Turn on the furnace and air conditioning
- ✓ Test all stove burners
- ✓ Turn the oven on bake and broil
- ✓ Test the garbage disposal
- ✓ Run the dishwasher
- ✓ Open and close all windows and doors
- ✓ Try everything else you can think of

You need to make some notes on these interior features. Record important details and note everything that needs changing, repair, or special maintenance. You'll avoid costly repairs later by making the extra effort now.

| | | |
|--|---|--------------------------------------|
| <input type="checkbox"/> Walls | <input type="checkbox"/> Floor Covering | <input type="checkbox"/> Appliances |
| <input type="checkbox"/> Woodwork | <input type="checkbox"/> Doors | <input type="checkbox"/> Fixtures |
| <input type="checkbox"/> Wall Covering | <input type="checkbox"/> Windows | <input type="checkbox"/> Built Ins |
| <input type="checkbox"/> Paint | <input type="checkbox"/> Window Treatments | <input type="checkbox"/> Storage |
| <input type="checkbox"/> Ceiling | <input type="checkbox"/> Lighting | <input type="checkbox"/> Ventilation |
| <input type="checkbox"/> Floor | <input type="checkbox"/> Electrical Outlets | <input type="checkbox"/> Closets |

In addition, investigate any signs of structural or water damage (such as wall cracks, moisture, etc.) When you actually buy a home, you'll be doing a walk through of the property several days before closing to determine if all the conditions in your sales contract have been met. However, the time to inspect and note defects you want corrected by the seller is during the contract negotiations and prior to signing the contract. Any repair or replacement items should be noted in the contract or contingent on a house inspection. Riley is an expert in this and can assist you with any questions or concerns you might have.

New Home Requirements

Name: _____ One or two persons family
 Address: _____ Shopping for starter homes
 City, State, Zip: _____ Down-sizing empty nesters
 Home Phone: _____ Older parent living with you
 Work Phone: _____ Young family__ children
 Special Needs: _____ Ages: _____
 _____ Pets: __ Dog(s) __ Cat(s)
 _____ Other: _____

OTHER FEATURES

Rate the following items: 1 – Necessary, 2 – Desirable, 3 – Unnecessary, 4 - Undesirable

| | |
|--|--|
| <input type="checkbox"/> Large Master Bedroom | <input type="checkbox"/> Swimming Pool / Hot Tub |
| <input type="checkbox"/> Bedroom Fireplace | <input type="checkbox"/> Patio & Garden / Play Area / Lawn |
| <input type="checkbox"/> Walk-In Closets | <input type="checkbox"/> Cul-de-sac / Court Location |
| <input type="checkbox"/> Central Air Conditioning | <input type="checkbox"/> Private Rear Yard |
| <input type="checkbox"/> Fireplace | <input type="checkbox"/> Office Space |
| <input type="checkbox"/> Laundry Room | <input type="checkbox"/> Family Room Open to Kitchen |
| <input type="checkbox"/> Bedroom & Bathroom Downstairs | <input type="checkbox"/> Formal Dining Room |
| <input type="checkbox"/> Breakfast Nook | <input type="checkbox"/> Recreation / Bonus Room |
| <input type="checkbox"/> Large Kitchen | <input type="checkbox"/> RV / Side Yard Parking |

Garage: _____ Attached: _____ Detached: _____ # Of Cars _____

Age of Home: _____ New, _____ Under 7, _____ 7-15, _____ 15+

Number of Bedrooms: _____ Number of Bathrooms: _____

Minimum Square Footage: _____ (Does not include garage)

Condition: _____ Move In _____ Some Cosmetic _____ Total Rehab

New Home Requirements (Continued)

TYPE AND STYLE

| | | |
|---|--------------------------------------|---------------------------------------|
| <input type="checkbox"/> Single Family Home | <input type="checkbox"/> Frame Ranch | <input type="checkbox"/> Bungalow |
| <input type="checkbox"/> Condominium | <input type="checkbox"/> Brick Ranch | <input type="checkbox"/> Victorian |
| <input type="checkbox"/> Townhouse / PUD | <input type="checkbox"/> Colonial | <input type="checkbox"/> Contemporary |
| <input type="checkbox"/> Duplex | <input type="checkbox"/> Tudor | <input type="checkbox"/> Cape Cod |
| <input type="checkbox"/> 1 Story | <input type="checkbox"/> 2 Story | <input type="checkbox"/> Trilevel |

Preferred Community or Area

- Urban (Specify neighborhood) _____
- Suburban (Specify area) _____
- Rural (Specify Town) _____

Price Profile (Place an "X" next to the money range you expect to spend on your new home.)

| | | |
|-----------------------------|-----------------------------|-----------------------------|
| ____ Under \$100,000 | ____ \$200,000 to \$300,000 | ____ \$500,000 to \$650,000 |
| ____ \$100,000 to \$150,000 | ____ \$300,000 to \$400,000 | ____ \$650,000 to \$850,000 |
| ____ \$150,000 to \$200,000 | ____ \$400,000 to \$500,000 | ____ \$580,000 or more |

Your Purchase Price Range: \$ _____ to \$ _____

Desirable Maximum Distances in Miles/Time To:

- Employment _____
- Shopping _____
- Public Transportation _____
- Elementary School _____
- Middle School _____
- High School _____
- College _____
- Special Education _____
- Church _____
- Airport _____
- Medical Facilities _____
- Grocery Shopping _____
- Shopping Mall _____

Other Necessities/Desired Amenities

HOME TOUR NOTES

| Property Address: | |
|-------------------|----------|
| Likes | Dislikes |
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| Property Address: | |
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| Likes | Dislikes |
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HOME TOUR NOTES

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HOME TOUR NOTES

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CHOOSING YOUR LENDER

When you find a home, one of your primary concerns will be selecting a lender who can provide the financing you need. So what should you look for? Calling around and asking for interest rate quotes is not the best way to select a lender. Why? Because:

- 1) **Interest rates change daily so today's quotation may not be available tomorrow.**
- 2) **The lender knows nothing about your situation or needs so the interest rate they quote you may or may not be a program that will fit you.**
- 3) **Often the rates quoted over the phone are not locked prices and the lender just wants to get you in the door. This means that the rates would be subject to change until the day your loan closes, instead of being pre-determined at a specified period of time.**
- 4) **The lowest interest rate does not always mean the lowest overall cost loan.**

Competitive rates are important, but when you consider the fact that most lenders get their money from the same sources (and therefore have essentially the same rates to offer), you must look at some other factors before choosing a lender. You need a lender who works with you and your real estate agent as a team working towards the same goal: to get you into a new home in a timely and effective manner. Some of the questions to ask are:

- 1) ***Are they a mortgage broker?*** A mortgage broker originates and processes the loan, then submits the completed loan package to the wholesale lender who underwrites and funds the loan. A mortgage broker offers the best opportunity to get your loan approved since they can send the loan to many different lenders. They also offer the widest variety of loan programs.
- 2) ***Do they lock-in their interest rates and for how long?***
- 3) ***How long has their company been in business?*** Lenders come and go. Make sure that the company you are dealing with has been around for a while.
- 4) ***What is their reputation within the community?***

After 18 years in the mortgage business, Jill Dowler is an expert at maximizing his clients' financial potential without limiting their lifestyle.

GETTING READY TO APPLY FOR YOUR MORTGAGE

Your Loan Officer will need the following information when you apply for your loan. To insure a smooth and efficient application session, please be prepared to tell us about::

1) Your Residence History. You will need:

- a) Your previous address for the last 2 years.
- b) The length of time you have lived in each place.
- c) Your landlord's name and address, if you currently rent.

2) Your Employment History. We will need to know:

- a) Your employers for the last 2 years.
- b) The dates you worked at each place of employment.
- c) If there have been any gaps in your employment and why.

3) Savings, Checking, or Investment Accounts. For each account, we will need:

- a) Last (3) three months statements for each account.

4) Real estate You Currently Own. For each property we will need:

- a) The property address.
- b) The estimated market value.
- c) The outstanding loan balance(s).
- d) The amount of your monthly payment.
- e) The amount of your monthly rental income (if applicable).

5) Personal Property You Own. We will need to know:

- a) The net cash value of your life insurance.
- b) The make, year, and value of your automobiles.
- c) Any other substantial investments (i.e. sailboat).

WHAT TO BRING TO YOUR LOAN APPLICATION

Use the following checklist to make your loan application an easy, hassle-free experience.

- _____ Sales Contract (On the purchase of your new home)
- _____ Most Recent Pay-stub (Showing year-to-date earnings, name, and Social Security #)
- _____ Past 2 Years w-2's
- _____ Past 2 Years Tax Returns
- _____ Year-to-Date Profit and Loss Statement and Current Balance Sheet (Only if self-employed)
- _____ Information on Residence History (For the last 2 years)
- _____ Information on All Outstanding Loans and Credit Cards
- _____ 3 Months Bank Statements for All Accounts
- _____ Information on Real Estate You Currently Own
- _____ Copy of Sales Contract (If you are selling your home.)
- _____ Certified Copy of the Closing Statement (On the sale of your present home)
- _____ Divorce Papers Including the Interloc and Final Decree (If applicable)
- _____ Copy of Driver's License
- _____ Original Certificate of Eligibility and DD214 (VA only)
- _____ Check for Appraisal and Credit Report Fees (If Lender Requires)

LOAN PROGRAM HIGHLIGHTS

Below is a brief explanation of some of the most commonly used loan programs. Consult your Loan Officer for further details.

FIXED RATE LOAN – A loan with an interest rate that remains constant throughout the life of the loan.

BUY DOWN – A fixed rate loan where the interest rate and payment are reduced for a specific period of time by paying the interest up front to subsidize the lower payment.

BALLOON LOAN – A fixed rate loan that is amortized over a 30 year period but becomes due and payable at the end of a certain term (5, 6, 7, or 10 years). May be extendable or may rollover into another type of loan.

GRADUATED PAYMENT MORTGAGE (GPM) – A fixed rate loan that has payments starting lower than the payment on a standard fixed rate that then increases by a predetermined amount each year for a specified number of years (usually 5).

ADJUSTABLE RATE MORTGAGE (ARM) – A loan that has an interest rate that increases or decreases at specified times during the life of the loan. The change in the interest rate is usually tied to a financial index.

FHA LOAN – FHA loans are available as a fixed rate, ARM, GPM or buy-down. They are loans that are insured by the Federal Housing Administration and offer low down-payments and higher qualifying ratios. There is a maximum FHA loan limit that varies from region to region.

VA LOAN – A no down-payment loan available to eligible veterans. VA loans are insured by the Veterans Administration. The maximum VA loan is currently \$203,000 with no down payment.

COMMUNITY HOME-BUYER'S PROGRAM – A fixed rate loan with a low (3% to 5%) down payment, no cash reserve requirement and easier qualifying ratios. Subject to borrower meeting income limits and attendance of a 4 hour training course on home ownership.

MORTGAGE CREDIT CERTIFICATE (MCC) PROGRAM – A first-time homebuyer program subject to purchase price and income limits and limited to Alameda, Contra Costa, San Mateo, and Santa Clara counties. The MCC is actually a special tax credit and assists the buyer in qualifying for almost any loan program.

CLOSING COSTS

Below is an overview of the types of closing costs you may incur on your loan. Some are one-time fees while other reoccur over the life of the loan. When you apply for your loan, you will receive a Good Faith Estimate of Settlement Charges and a booklet that will explain these costs in detail.

Loan Origination Fee – This fee covers the lender’s administrative costs in processing the loan. A one-time fee often expressed as a percentage of the loan.

Loan Discount – Often called “points,” a loan discount is a one-time charge used to adjust the yield on the loan to what market conditions demand. One point is equal to 1% of the loan amount.

Appraisal Fee – This is a one-time fee that pays for an appraisal – a statement of property value – for the lender. The appraisal is made by an independent fee appraiser.

Credit Report Fee – This one-time fee covers the cost of the credit report that is run by an independent credit reporting agency.

Title Insurance Fee – There are two title policies – a lender’s title policy (which protects the lender against loss due to defects on title) and a buyer’s title policy (which protects you). These are both one-time fees.

Miscellaneous Title Charges – The title company may charge fees for a title search, title examination, document preparation, notary fees, recording fees, and a settlement or closing fee. These are all one-time charges.

Document Preparation Fee – There may be a separate, one-time fee that covers preparation of the final legal papers, including the note and deed of trust.

Prepaid Interest – Depending on the time of month your loan closes, this charge may vary from a full month’s interest to just a few days. If your loan closes at the beginning of the month, you will probably have to pay the maximum amount. If your loan closes at the end of the month, you will only have to pay a few days interest.

PMI Premium – Depending on the amount of your down-payment, you may be required to pay an up-front fee for mortgage insurance (which protects the lender against loss due to foreclosure). You may also be required to put a certain amount for PMI into a special reserve account (an impound account) held by the lender.

Taxes and Hazard Insurance – Depending on the month that you close, you may be required to reimburse the seller for property taxes. You will also need to pay an entire year’s hazard insurance premium up front. In addition, you may be required to put a certain amount of taxes and insurance into a special reserve (an impound account) into an account held by the lender.

HOW THE UNDERWRITER LOOKS AT YOUR LOAN

When your loan package is submitted, it goes directly into the hands of an underwriter whose job it is to determine your credit worthiness and your ability to repay the loan. The underwriter must take all of the following into consideration when making the decision to approve or disapprove your loan.

1) Your Income

The underwriter looks carefully at your capacity to repay the loan. Your job stability and gross income (in relation to your expenses) are critical in this regard. Most income must be verified as having been received for at least two years to be used for qualifying purposes.

2) Your Credit History

Your credit history is an indication of your “character” or your willingness to repay the loan. The underwriter looks closely at your past payment record (your credit report) in determining this. Any consistent patterns of late payments, collections, etc. are not looked at favorably. Bankruptcies must be discharged for at least two years with re-established credit and the reason for bankruptcy must be fully explained. Good explanations for all derogatory credit will need to be obtained. All outstanding collections, liens, and judgments will have to be paid off through escrow. (Consult your Loan Officer about any credit questions you may have.)

3) Your Employment History

A consistent history of employment in the same line of work is considered ideal. “job-hopping” is not looked upon favorably because it may lead to unstable income. However, if you have switched jobs within the same line of work, for advancement in that work, there should be no problem.

4) Your Assets

The money you have available for down payment, closing costs, cash reserves (money left over after close of escrow to cover 2-3 months mortgage payments) and other liquid assets is your net worth or capital. The underwriter wants to see your ability to save money and manage your financial affairs. They also need to see the source of funds or where the money for the down payment, etc., is coming from. Cash from under the mattress is not acceptable; we must verify that you have had the money (or the asset) for a two to three month period. Never move money around (pay off bills, get a gift, etc.) without first consulting your Loan Officer about the best way to do it. This is extremely important because it can severely affect the underwriter’s view of your loan.

5) Your Debts

The underwriter is concerned with the amount of debt you currently have because it affects your qualification and your ability to repay the loan. Any excessively heavy use of credit is not looked upon favorably.

6) The Property

Because the property is the lender’s collateral for the loan, the value, marketability and condition of the property is extremely important. The underwriter looks at the appraisal for this information.

QUALIFYING RATIOS AND COMPENSATING FACTORS

On all loans, you are required to meet certain “ratios” of debt versus income. There are usually two ratios that must be met, but there are some exceptions, such as the VA loan. The first ratio is the “top” ratio or housing expense ratio. The second ratio is the “bottom” or total debt ratio.

The top ratio is calculated in the following way:

Monthly housing Expense / Gross Monthly Income

The monthly housing expense includes principal, interest, taxes, hazard insurance, PMI (Private Mortgage Insurance) and homeowner’s association dues (when applicable.)

The bottom ratio is calculated in the following way:

Monthly Housing Expense + All Other Monthly Debts / Gross Monthly Income

All other monthly debts include car payments, revolving charge accounts, real estate loans, student loans, credit union loans, child support and alimony, etc.

If you don’t meet the required qualifying ratios on one program, you may be able to meet them on another. FHA and VA have very different guidelines, for example, as does the Community Homebuyers Program. Your Loan Officer is an expert at determining the best loan for you and they can answer any questions you might have.

In addition to meeting the ratio guidelines, underwriters like to see compensating factors or other facts about the loan that are good. Compensating factors include:

- 1) Lost of money left over after close of escrow**
- 2) Verified net worth high enough to repay the entire loan**
- 3) The new payment is only slightly higher than current rent or mortgage payment**
- 4) Increasing earning capabilities**
- 5) Excellent ability to save**
- 6) Very large cash down-payment**

➤Remember, **never disqualify yourself!** This booklet is designed to help you understand the overall loan process. In a loan transaction there are many variables. I guarantee that people both less qualified than you and more qualified than you have purchased homes with a mortgage.

Years of experience and practice support our skill at loan placement, as does our impressive record of success. **LET US HELP!**

THE COMPONENTS OF A MORTGAGE PAYMENT

Your monthly mortgage payment is made up of several components. This housing expense is commonly referred to as “PITI” or Principal, Interest, Taxes, and Insurance. PMI (see below) and homeowner’s association dues may also make up a portion of your total payment.

1) Principal

The original balance of money loaned, excluding interest. Also, the remaining balance of a loan, excluding interest. The interest is calculated on principal.

2) Interest

The charge for the use (loan) of money.

3) Taxes

The county assessor charges property tax based on the value of your home. There are two tax installments due each year. The first installment is due November 1st and is delinquent on December 10th. The second installment is due February 1st and is delinquent on April 10th. Taxes may be impounded, depending on the amount of your down payment. (Anything less than 20% requires an impound account). An impound account is a trust account set up by the lender to which a portion of the monthly payment is credited so that funds will be available for the payment of taxes and insurance. This way, the lender actually pays your tax bill for you. (Supplemental taxes are not included).

4) Hazard Insurance

This contract that pays for damage to your home from certain hazards, including fire. You obtain homeowner’s insurance from your own insurance agent. The standard policy pays replacement costs, minus depreciation based on actual cash value. Talk to your insurance agent about the different types of insurance available. Hazard insurance may be impounded.

5) PMI (Private Mortgage Insurance)

Depending on the amount of your down payment, you may be required to have PMI. (Anything less than 20% requires PMI.) Because loans with small down payments involve substantially more risk for the lender, they need protection in case the loan goes into foreclosure. Mortgage insurance helps cover the lender’s losses in the event of a foreclosure. Lenders can offer loans with lower down-payments because this insurance is available.

PMI requires an up front fee which is included in your closing costs, as well as a monthly payment. The cost of PMI varies according to the amount of your down payment.

FHA and VA require a similar insurance. FHA sponsored loans require “MIP” or a Mortgage Insurance Premium while VA loans have their own type of insurance policy. Both of these insurance plans incur charges at closing as well as on a monthly basis.

WHAT THE TITLE COMPANY DOES

As a general rule the title company provides the following services:

- Requests a title report and policy
- Drafts a deed of trust and / or other necessary documents
- Pays off existing loans when necessary
- Adjusts taxes and insurance between the buyer and the seller
- Computes interest on loans
- Acquires hazard insurance
- Has the buyer and seller sign the documents
- Records the appropriate documents
- Disburses the documents and money to each party involved

The title company also conducts a “title search”, which is a history of who has owned the property and the details of every transaction. It will also show the existing liens and encumbrances or other factors that affect the title. You will receive a **Preliminary Title Report** on the property that covers all of these items.

The title company also provides title insurance that protects you and the lender against a cloud on title. There are two types of policies:

1) The Lender’s Policy – Protects the lender against loss due to unknown title defects or other matters that affect title and are not known at the time of sale. This policy is mandatory.

2) The Mortgagor’s or Buyer’s Policy – Protects the buyer from flaws in the title. This policy is optional but is highly recommended.

When your loan is approved and the loan documents are drawn up, they are sent to the company. Your escrow officer then prepares the papers for you and the seller to sign. At this point, you will be told exactly how much money you will need to bring in on the loan. You will also be required to provide any additional documentation the lender needs. Once both you and the sellers have signed the loan documents, they are returned to the lender who reviews them. If everything is satisfactory, the lender then funds the loan. The title company records the note and deed of trust and escrow is closed.

THE SIX WAYS TO HOLD TITLE

A Single Man / Woman

A man or woman who are not legally married (i.e. John Doe, a Single Man).

An Unmarried Man / Woman

A man or woman, who having been married, are legally divorced (i.e. John Doe, an Unmarried Man).

A Married Man / Woman as His / Her Sole and Separate Property

When a married man or woman wishes to acquire title in his or her name alone, the spouse must consent, by quitclaim deed or otherwise, to transfer, thereby relinquishing all rights, title, and interest in the property (i.e. John Doe, a Married Man, as his sole and separate property).

Community Property with Right of Survivorship

The California Civil Code defines community property as property acquired by husband and wife, or either, during marriage, when not acquired as the separate property either. Real property conveyed to a man or woman is presumed to be community property unless otherwise stated. Under community property, both spouses have the right by will to dispose of one half of the community property, but all of it will go to the surviving spouse without administration if the other spouse dies without a will. If a spouse exercises his / her right to dispose of one-half that half is subject to administration in the estate (i.e. John Doe and Jane Doe, Husband and Wife, as community property).

Joint Tenancy

A joint tenancy is defined in the Civil Code as follows: a joint interest is one owned by two or more persons in equal shares, by a title created by a single will or transfer, when expressly declared in the will or transfer to be a joint tenancy. A chief characteristic of joint tenancy property is the rights of survivorship. When a joint tenant dies, title to the property immediately vests in the survivor or surviving tenants joint tenants. As a consequence, joint tenancy property is not subject to disposition by will (i.e. John Doe and Jane Doe, Husband and Wife, as Joint Tenants).

Tenants in Common

Under tenancy in common, the co-owners own undivided interest, but unlike joint tenancy, this interest need not be equal in quantity or duration, and may arise from different times. There is no right of survivorship; each tenant owns an interest which on his or her death vests in his or her heirs or devisees (i.e. John Doe, a Single Man, as to an undivided 3/4ths interest, and George Smith, a Single Man, as to an undivided 1/4th interest as Tenants in Common.)

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YOUR HOUSE IS WAITING...

We hope that this brief study guide has given you some insight into the home buying process.

If you have any questions or would like further information, please contact me at:

Riley Scrivner

ReMax Accord / Land – Home Financial Services

Office: 925 200-3908

Fax: 925 443-5409

E-mail: 2Rileys@comcast.net