

## **Definitions of Commonly Recorded Documents**

The following is a list of some documents that may be recorded if they meet all requirements, and a description or definition of each document. The descriptions are general and are not intended to be complete legal definitions. If you wish to use any particular document, we suggest that you consult a real estate professional or an attorney.

### **1. Deed of trust / Mortgage**

An instrument that secures a debt, the repayment of the loan/mortgage encumbered by real property. This is a three party document; the borrower (trustor), the beneficiary (lender), and the trustee who holds title to real property under the terms of a deed of trust.

### **2. Assignment of Deed of Trust / Mortgage.**

The transfer/sale of a Deed of Trust (loan or debt) from the current lender (beneficiary) to a new beneficiary, which gives them the right to collect the payment of the debt.

### **3. Substitution of Trustee**

A document through which the lender (beneficiary), owner, or holder of the note (loan) replaces a new **Trustee** in the Deed of Trust.

### **4. Reconveyance**

The instrument that releases the loan that was a lien against real property. (Satisfaction of the loan)

### **5. Satisfaction of Mortgage**

Release of the loan that was a lien against real property.

### **6. Substitution of Trustee & Full Reconveyance**

A combined document where the lender substitutes a new Trustee and the new trustee executes the Reconveyance or releases the loan that was a lien against real property.

### **7. Subordination Agreement**

A document where the current lender agrees to makes their encumbrance deed of trust, subject-to (junior) to another loan.

### **8. Request for Notice of Default**

A document whereby the junior lenders require the senior lender to notify them when the borrower defaults on their loan.

### **9. Notice of Default**

A notice to show that the borrower under a mortgage or deed of trust is in default (behind in payments)

### **10. Recision of Notice of Default**

A document that nullifies removes or abrogates the notice of default.

### **11. Notice of Trustee's Sale**

A document recorded to notify the public of the foreclosure (sale) proceedings by the Trustee for non-payment or non-performance of the conditions of the deed of trust.

### **12. Mechanic's Lien**

A document recorded to create a lien in favor of persons contributing labor, material, supplies, etc., to a work of improvement upon real property.

**13. Release of Mechanic's Lien**

A document recorded to remove the lien (mechanic's lien) against real property.

**14. Notice of Completion**

A document recorded to evidence that a work of improvement on real property other than public works is completed.

**15. Notice of Non-Responsibility**

A document to evidence that the owner of real property interest will not be responsible for payment of cost of improvements contracted for thereon by some other person.

**16. Abstract of Judgment**

A court issued money judgment to secure payment to the judgment creditor and when recorded, it creates a general lien on real property of the judgment debtor in the County in which the abstract is recorded.

**17. Notice of Lis Pendens / Notice of Pendency of Action**

A recorded notice that litigation (a lawsuit) is pending in court which may affect the title of the real estate involved.

**18. Voluntary Petition**

A document recorded to evidence the filing of bankruptcy by a petitioner.

**19. Notice of Levy / Writ / Attachments & Executions**

A document recorded to notify a party served with writ of execution that specific property is taken in satisfaction of a debt.

**20. Power of Attorney**

A document recorded to delegate the authority of the principal to his attorney-in-fact (agent) authorizing another person, to act for him/her in his/her name in a designated capacity.

**21. Declaration of Homestead**

A document recorded by either a homeowner or head of household on his primary residence to protect his home from forced sale in satisfaction of certain types of creditors' claims.

**22. Affidavit of Death**

A document recorded to verify the death and identify the decedent as a former interest holder in specifically described or referred to real property.

**23. Trustee's Deed**

Deed given by the trustee when the real property is sold under the power of sale in a deed of trust in a foreclosure proceeding.

**24. Trustee Deed in Lieu of Foreclosure / Upon Sale**

Document recorded to evidence the transfer of real property from the defaulting trustor (borrower) to the beneficiary (lender) in lieu of foreclosure.

**25. Grant Deed**

It is the form of deed, common in California, which contains implied warranties to the effect that the grantor has not previously conveyed or encumbered the real property.

**26. Quitclaim Deed**

It is the form of deed that conveys or releases any interest that the grantor **may** have acquired in real property.

**27. Leases**

To evidence the conveyance of real property for a term of years and a contract of its possession during that term.

**28. Declaration of Covenants, Conditions & Restrictions**

Document recorded to specify the limitations or qualifications on land use imposed in a conveyance or other instrument.