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# LAWYERS LINK



## WHAT DOCUMENTS NEED TO BE ACKNOWLEDGED IN FRONT OF A NOTARY?

Source: [www.energy.gov](http://www.energy.gov)

The answer is that a notary (which some may refer to as a notary public) must acknowledge any real estate or related document that will be recorded in the office of the County Recorder where the real estate transaction will occur. Notaries are individuals authorized by the State to certify documents and attest to the authenticity of signatures, among other things.

If you are a buyer obtaining financing on a real estate purchase or a borrower refinancing your property, there are several documents included in the loan packet, particularly the deed of trust, that require a notarial acknowledgment. Typically, the lender will send your loan documents to escrow, and the escrow officer will coordinate the signing of your loan documents with a notary.

If any party to an escrow is in a trust, or taking title in trust, a certification of trust—which is a notarized document—is often required by the title company. If you are a seller, you will need to sign a grant deed and have it acknowledged by a notary. If any party is granting or conveying an interest or quitclaiming to another, he or she will need to have their signature notarized by a notary.

A California notary must be registered with the Secretary of State, and will be subject to several requirements before being commissioned to perform notarial duties. Please see the California Secretary of State's website, [www.sos.ca.gov](http://www.sos.ca.gov), for more information.



# WHAT ARE ACCESSORY DWELLING UNITS (ADUs)?

Source: California Department of Housing & Community Development

Accessory Dwelling Units (ADUs) are known by many names: granny flats, in-law units, backyard cottages, secondary units and more. No matter what you call them, ADUs are an innovative, affordable, effective option for adding much-needed housing in California.

## WHAT ARE THE BENEFITS OF ADUs?

- ADUs are an affordable type of home to construct in California because they do not require paying for land, major new infrastructure, structured parking, or elevators.
- ADUs can provide a source of income for homeowners.
- ADUs are built with cost-effective wood frame construction, which is significantly less costly than homes in new multifamily infill buildings.
- ADUs allow extended family to be near one another while maintaining privacy.
- ADUs can provide as much living space as many newly-built apartments and condominiums, and they're suited well for couples, small families, friends, young people, and seniors.
- ADUs give homeowners the flexibility to share independent living areas with family members and others, allowing seniors to age in place as they require more care.

## LAWS EFFECTIVE JANUARY 1, 2018

State legislation provides clarification and fee assistance for the creation of ADUs. Governor Brown signed two separate bills on October 8, 2017: SB 229 (Wieckowski) and AB 494 (Bloom).

These bills, effective January 1, 2018, clarify and improve various provisions of the law to promote the development of ADUs, including allowing ADUs to be built concurrently with a single-family home, opening areas where ADUs can be built to include all zoning districts that allow single-family uses, modifying fees from utilities, such as special districts and water corporations, and reducing parking requirements.

*"ADUs can provide as much living space as many newly-built apartments and condominiums, and they're suited well for couples, small families, friends, young people, and seniors."*

## OTHER UPDATES TO STATE LAWS FOR ADUs

State legislation that took effect January 1, 2017 gave California cities more flexibility and latitude for allowing homeowners to build ADUs. Three separate bills were introduced and signed by Governor Brown; SB 1069 (Wieckowski), AB 2299 (Bloom), and AB 2406 (Thurmond). Each of these land use bills make it easier than ever for homeowners to take advantage of this attractive opportunity.

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# MONTHLY INDUSTRY TERMS

## Amortization

Reduction of the principal of a debt in regular, periodic installments.

## Equity

The difference between the fair market value and current indebtedness, also referred to as the owner's interest. The value an owner has in real estate over and above the obligation against the property.

## Loan-To-Value Ratio

The relationship between the amount of the mortgage loan and the appraised value of the property expressed as a percentage.

