

STATE OF CALIFORNIA



STATE BOARD OF EQUALIZATION

1 STREET, SACRAMENTO, CALIFORNIA
BOX 1799, SACRAMENTO, CALIFORNIA 95808)

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No. 79/12

SUPERSEDED BY LTA 79/175

January 17, 1979

TO COUNTY ASSESSORS:

LIST OF TRANSFERS

Here is a list of various types of transfers and the action required (reappraise or not) when such transfer is encountered. Also included are some remarks. While this is by no means an all-inclusive list of the types of transfers you will see, we hope it will serve as a general guideline for you and your staff as you process transfers.

If you have any questions regarding this, please contact Gene Palmer or Bob Reinhard of our staff. Their number is (916) 445-4982.

Sincerely,

Verne Walton, Chief
Assessment Standards Division

VW:sk
Enclosure

| <u>Type of Transfer</u> | <u>Action Required</u> | <u>Remarks</u> |
|---|------------------------|--|
| 1. Transfer of fee title from one person to another. | Reappraisal | Except as excluded below. |
| 2. Any transfer to an existing assessee to perfect or clear title by deed. | No Reappraisal | Section 110.6(1) Revenue and Taxation Code. Property Tax Rule 462. |
| 3. Creation or termination of a security interest without right of possession (trust deed or mortgage). | No Reappraisal | Section 110.6(2) Revenue and Taxation Code. Property Tax Rule 462. |
| 4. Interspousal transfer to create or terminate a joint tenancy or community property interest. | No Reappraisal | Section 110.6(3) Revenue and Taxation Code. Property Tax Rule 462. |
| 5. Interspousal transfer to create or terminate a noncommunity property tenancy in common interest. | Reappraisal | Example: Both spouses have sole and separate property. If one purchases an undivided interest as his/her sole and separate property with his/her sole and separate monies in a property owned solely and separately by the other, a reappraisal would be required. |
| 6. Transfer of one spouse's separate property to other spouse as separate property. | Reappraisal | No joint tenancy or community property interest exists. |
| 7. Substitution of trustee under security or trust instrument. | No Reappraisal | Section 110.6(4) Revenue and Taxation Code. Property Tax Rule 462. |
| 8. Creation of joint tenancy interest between non-spouses. | Reappraisal | |
| 9. Termination of joint tenancy via death of joint tenant. | No Reappraisal | Section 110.6(5) Revenue and Taxation Code. Property Tax Rule 462. |
| 10. Deed from one joint tenant to other joint tenant as sole owner. | No Reappraisal | Section 110.6(3) and (5) - Revenue and Taxation Code. Property Tax Rule 462. |
| 11. Deed from joint tenants to themselves as tenants in common. | No Reappraisal | Section 110.6(3) Revenue and Taxation Code. Property Tax Rule 462. |

| <u>Type of Transfer</u> | <u>Action Required</u> | <u>Remarks</u> |
|--|--|---|
| 12. Deed from joint tenants to a third party. | Reappraisal | Third party is a new ownership interest. |
| 13. Transfer of stock in housing co-op with possessory right in specific unit. | Reappraisal | The specific unit would be subject to reappraisal and not the whole property. |
| 14. Transfer of property from person A to person B as trustee naming person A as beneficiary. | Reappraisal (Reappraised at beginning of trust) | Section 110.6 Revenue and Taxation Code. Transfer is via trust. Person B has control of the property. |
| 15. Transfer of property from person A to person C as trustee naming person A and person B as beneficiaries. | Reappraisal (Reappraised at beginning of trust) | |
| 16. Transfer of property from person A to person C as trustee naming person B as sole beneficiary. | Reappraisal (Reappraised at beginning of trust) | |
| 17. Person A as beneficiary of a trust owning real property assigns his beneficial interest to person B. | Reappraisal (Reappraised when interest is assigned) | |
| 18. Transfer of property from person A to person A as trustee naming person A as beneficiary. | No Reappraisal | This does not qualify as a trust in California. |
| 19. Transfer of corporate stock. | No Reappraisal | The transfer is of the stock and not of the asset. |
| 20. Transfer of interest of a partner in a general partnership. | Reappraisal | |
| 21. Two or more people acquire property as tenants in common. | Reappraisal | |
| 22. A person holds title as tenant in common transfers his interest to another tenant in common. | Reappraisal | This is a transfer of an ownership interest. |

| <u>Type of Transfer</u> | <u>Action Required</u> | <u>Remarks</u> |
|---|------------------------|---|
| 23. Person A grants title to person B reserving a life estate. | Reappraisal | |
| 24. Person A grants title to person B for life with remainder to person C. | Reappraisal | |
| 25. Person A transfers a condominium unit to person B. | Reappraisal | The unit transferred is appraised. Also appraised is all of the common area in which an undivided interest transfers. |
| 26. Title to a property is transferred by foreclosure sale with no further right of redemption. | Reappraisal | Property Tax Rule 462. |
| 27. Sale of tax-deeded property. | Reappraisal | Property Tax Rule 462. |
| 28. Change of name. | No Reappraisal | Section 110.6(1) Revenue and Taxation Code. Property Tax Rule 462. |