

**ASSEMBLY BILL**

**No. 594**

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**Introduced by Assembly Member Cardenas**

February 19, 1999

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An act to amend Section 1102.2 of the Civil Code, relating to real property transfer disclosures.

LEGISLATIVE COUNSEL'S DIGEST

AB 594, as introduced, Cardenas. Real property transfer disclosures: exception.

Existing law exempts transfers by a fiduciary in the course of the administration of a decedent's estate, guardianship, conservatorship, or trust from specified residential real property transfer disclosure requirements.

This bill would provide that this exemption would not apply to a transfer if the trustee of a revocable trust is a former owner of the property or an occupant in possession of the property within the preceding year.

Vote: majority. Appropriation: no. Fiscal committee: no. State-mandated local program: no.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 1102.2 of the Civil Code is  
2 amended to read:  
3 1102.2. This article does not apply to the following:  
4 (a) Transfers which are required to be preceded by  
5 the furnishing to a prospective transferee of a copy of a  
6 public report pursuant to Section 11018.1 of the Business

1 and Professions Code and transfers which can be made  
2 without a public report pursuant to Section 11010.4 of the  
3 Business and Professions Code.

4 (b) Transfers pursuant to court order, including, but  
5 not limited to, transfers ordered by a probate court in  
6 administration of an estate, transfers pursuant to a writ of  
7 execution, transfers by any foreclosure sale, transfers by  
8 a trustee in bankruptcy, transfers by eminent domain,  
9 and transfers resulting from a decree for specific  
10 performance.

11 (c) Transfers to a mortgagee by a mortgagor or  
12 successor in interest who is in default, transfers to a  
13 beneficiary of a deed of trust by a trustor or successor in  
14 interest who is in default, transfers by any foreclosure sale  
15 after default, transfers by any foreclosure sale after  
16 default in an obligation secured by a mortgage, transfers  
17 by a sale under a power of sale or any foreclosure sale  
18 under a decree of foreclosure after default in an  
19 obligation secured by a deed of trust or secured by any  
20 other instrument containing a power of sale, or transfers  
21 by a mortgagee or a beneficiary under a deed of trust who  
22 has acquired the real property at a sale conducted  
23 pursuant to a power of sale under a mortgage or deed of  
24 trust or a sale pursuant to a decree of foreclosure or has  
25 acquired the real property by a deed in lieu of foreclosure.

26 (d) Transfers by a fiduciary in the course of the  
27 administration of a decedent's estate, guardianship,  
28 conservatorship, or trust. *This exemption shall not apply*  
29 *to a transfer if the trustee of a revocable trust is a former*  
30 *owner of the property or an occupant in possession of the*  
31 *property within the preceding year.*

32 (e) Transfers from one coowner to one or more other  
33 coowners.

34 (f) Transfers made to a spouse, or to a person or  
35 persons in the lineal line of consanguinity of one or more  
36 of the transferors.

37 (g) Transfers between spouses resulting from a  
38 judgment of dissolution of marriage or of legal separation  
39 or from a property settlement agreement incidental to  
40 such a judgment.



1 (h) Transfers by the Controller in the course of  
2 administering Chapter 7 (commencing with Section  
3 1500) of Title 10 of Part 3 of the Code of Civil Procedure.

4 (i) Transfers under Chapter 7 (commencing with  
5 Section 3691) or Chapter 8 (commencing with Section  
6 3771) of Part 6 of Division 1 of the Revenue and Taxation  
7 Code.

8 (j) Transfers or exchanges to or from any  
9 governmental entity.

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