

## A mistake indeed

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### **Q: What happened?**

**A:** A grant deed filed by Angelica Hernandez in October had an incorrect property description attached. The property description should have been a simple explanation of the home's boundaries. Instead, attached was a copy of a document created by one of the developers in 1992 listing the lot numbers of 46 homes in the same subdivision. The Stanislaus County clerk-recorder's office took that as meaning she meant to change property records to all 46 homes.

### **Q: What was the document that created the error?**

**A:** It was Page 18 of a 1992 document titled "Declaration of Covenants, Conditions and Restrictions," which is attached to the titles of 46 homes in Vintner Estates, according to Schyler Eto, president of the Luckey Co., which co-developed the subdivision. Page 18 was a brief legal description created by the Luckey Co. ensuring that homes in that subdivision follow certain standards pertaining to things such as the color of a house or possible additions such as garages or second stories.

### **Q: Why was the document attached?**

**A:** Grant deeds must have a legal description of the property that's being affected along with the parcel number of the property so the assessor's office and county clerk's office can see which records need to be altered. Instead, the Hernandez grant deed where the property description was to go simply stated: "See exhibit 'A' hereto attached," referring to the 1992 document.

### **Q: Why didn't clerk's office officials catch the error?**

**A:** The county clerk's office does not have the legal authority to reject documents that are properly filled out. Because of this, employees never questioned whether the document was legal or correct.

### **Q: How was the mistake discovered?**

**A:** When the Hernandezes' grant deed was forwarded to the assessor's office, employees there checked all 46 properties and realized the Hernandezes could change only the deed to the home they owned.

### **Q: Why wasn't this fixed?**

**A:** Employees in the assessor's office never notified the clerk's office or any of the 46 homeowners of the mistake. The clerk's office, when notified of the mistake, said only the legal homeowners or the Hernandezes can fix the mistake.

### **Q: Will anyone lose his or her home because of this?**

**A:** No. The county assessor's office has the correct ownership records and those records serve as a record of who owns which land in the county. However, the clerk's office is the official record keeper of deeds, liens, maps and marriage records. Because of that, some lenders use clerk records to verify property ownership, which will cause problems for homeowners seeking credit.

### **Q: What steps should be taken to assure this doesn't happen to me?**

**A:** Officials say homeowners should check their records from time to time to make sure all information is correct. Also, if property tax bills don't show up in time or they arrive in someone else's name, that's a sign that the county's records are erroneous. Finally, several experts say that it's always best to use the services of a title company or attorney when changing ownership records of property. Never do it yourself. Title companies typically charge \$35 to \$200 to alter a deed. In addition, experts say title insurance always should be purchased when buying or selling a home. If title insurance is active during a sale, the title company will research the property records of a home and fix any errors it finds with no additional cost to the homeowner. Title insurance typically costs about \$100.

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