



# Riverside County Law Library

## Homestead Declaration

### What is a homestead?

1. The house in which a family lives, plus any adjoining land and other buildings on that land.
2. Real estate that is not subject to the claims of creditors as long as it is occupied as a home by the head of the household.

Reference: Homestead (n.d.) retrieved from <http://www.nolo.com/dictionary/homestead-term.html>

### What is a homestead declaration?

The County of Riverside Assessor-County Clerk-Recorder states that “The homestead declaration, or ‘Declaration of Homestead’, is a statutory protection where-by a portion of a homeowner’s equity in his or her residence may be protected from judgments, liens and creditors.” It also “names the declared homestead owner, describes the homesteaded property and states that the property is the homestead owner's principal place of residence.”

There are differing amounts of protection available for homeowners:

- \$75,000 for single homeowners
- \$100,000 for families
- \$175,000 for seniors, disabled, and low-income proprietors

It is necessary that the homeowner filing this declaration be living at the specified residence and that the homeowner only have one declaration at a time.

Reference: Homestead Declaration (n.d.) retrieved from <https://www.asrclkrec.com/homestead-declaration>

### Online Resources:

County of Riverside Assessor-County Clerk-Recorder, Recording Requirements  
<https://www.asrclkrec.com/recording-requirements>  
Contains fillable and printable Homestead Declaration form.

Nolo Law for All, The California Homestead Exemption  
<http://www.nolo.com/legal-encyclopedia/the-california-homestead-exemption.html>  
Discusses exemption amounts, marriage, scope, bankruptcy, requirements, and statutes in California relating to homestead exemptions.

The Superior Court of California, County of Riverside Self-Help



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<http://www.courts.ca.gov/documents/ej155.pdf>

Contains references to laws on the exceptions of enforcement of judgments, including homestead exemptions and declarations.

### **Print Resources:**

Title: *Summary of California Law, v.9 v.12 v.14* (R) (I) (T)

Publisher: Witkin

CallNo: KFC 80.W5

ISBN: N/A

Description: Volumes cover homesteads as they pertain to tax (v.9), cotenants (v.12), and probate (v.14) issues.

Title: *California Real Estate (Miller & Star) v. 5, ch.13* (R) (I)

Publisher: West

CallNo: KFC 140.M53

ISBN: 9780873371735

Description: Chapter 13 discusses the effect of homestead exemptions, declared homesteads, amount of homestead exemptions, and effect of homesteads in various situations, including bankruptcy and probate.

Title: *California Jurisprudence 3d, v. 37* (R) (I) (T)

Publisher: West

CallNo: KFC 65.C343

ISBN: N/A

Description: Volume 37 covers homesteads and homestead declarations, providing references to code sections and cases.

Title: *California Real Estate Law & Practice, v. 3 & 10* (R) (I) (DL)\*

Publisher: Matthew Bender/Lexis

CallNo: KFC 140.B4

ISBN: N/A

Description: This multivolume set contains information and references to relevant homestead laws, including homestead declarations.

\*[Available as an eBook on our Lexis Digital Library](#)

Title: *California Forms of Pleadings & Practices, v. 25* (R) (I) (T) (DL)\*

Publisher: Matthew Bender/Lexis

CallNo: KFC 1010.A65 C3

ISBN: N/A

Description: Listed volume covers homesteads and homestead declarations with brief explanations and references to code sections.

\*[Available as an eBook on our Lexis Digital Library](#)



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Title: *Homestead Your House* (R) (I)

Publisher: Nolo Press

CallNo: KFC141.Z9 W36 1991 REF

ISBN: 9780873371735

Description: Answers frequently asked questions about homestead exemptions and declarations, and gives information on declarations for the different types of applicants. Book also contains examples of forms for filing.

Call numbers are for use in RCLL. Initials after title specify which library the item can be located (R) Riverside, (I) Indio, (T) Temecula, (DL) Digital Library. ISBN numbers are for use outside of the library, such as for personal purchase. Also, check with library staff- many of these resources can be used online through electronic databases available for use in the library.

### **Pertinent California Codes:**

[CA Civil Code Sec.1207](#)

[CA Code of Civil Proc. Sec.704.710-704.995](#)

Please Note: The information presented in this research guide is intended to provide a foundation for legal research. For information pertaining to your case please consult with an attorney, court facilitator, or specialist.