Fidelity National Title

Domestic Partnership Rights & Responsibilities Act of 2003

The Domestic Partnership Rights and Responsibilities Act of 2003 was enacted on September 19, 2003. However, the most significant portions of the Act affecting title and escrow practices became operative January 1, 2005. Key provisions of the Act affecting title and escrow practices provide that:

- Registered domestic partners ("RDPs") and former RDPs shall have the same rights, protections and benefits, and shall be subject to the same responsibilities, obligations and duties under law as are granted to and imposed upon spouses and former spouses.
- A surviving RDP, following the death of the other partner, shall have the same rights, protections and benefits, and obligations and duties under law as are granted to and imposed upon a widow or widower.

IN GENERAL, ALL TITLE AND ESCROW PRACTICES APPLICABLE TO SPOUSES ARE APPLICABLE TO REGISTERED DOMESTIC PARTNERS

A DOMESTIC PARTNERSHIP IS ONLY ESTABLISHED WHEN ALL OF THE FOLLOWING REQUIREMENTS ARE MET:

- Both persons have a common residence (it is not necessary that both have a legal right to possess the residence, however).
- Neither is married or a member of another domestic partnership.
- They are not related by blood in a way that would prevent them from being married under California law.
- Both are at least 18 years old.
- a) Both are members of the same sex; or
  b) one or both qualify for Social Security benefits. If the persons are of opposite sexes, at least one must be over age 62.
- Both are capable of consenting to the domestic partnership.

ANY FORM OF VESTING LISTED BELOW IS INSURABLE:

1. A and B, registered domestic partners (equivalent to vesting married persons as husband and wife.)
2. A and B, domestic partners (equivalent to vesting married persons as husband and wife.)
3. A and B, registered domestic partners as joint tenants
4. A and B, registered domestic partners as tenants in common
5. A, a registered domestic partner as his/her sole and separate property

Although the Act provides that domestic partners have the same rights and responsibilities as married persons holding title as community property, there is some question whether it is appropriate to include the words "community property" in any domestic partnership vesting. Until the Act is clarified, a domestic partnership vesting deed that includes the words "community property" may be insured, however you will need to contact your Fidelity Title sales representative for further information and/or conditions for insurance.

A registered domestic partnership may be terminated by obtaining a judgment of dissolution of nullity from a California Superior Court or by the partners executing a "Notice of Termination of Domestic Partnership" before a notary public and filing the Notice with the Secretary of State. There is no provision for recording the Notice. The Notice can be viewed at the following link http://www.ss.ca.gov/dpregistry

The Act provides that a same-sex union, other than a marriage, that was validly formed in another jurisdiction, and that is substantially equivalent to a domestic partnership as defined in the Act, shall be recognized as a valid domestic partnership in California, regardless of whether it is called a domestic partnership.

The Statement of Information form has been modified to provide for parties, or a party, to show status as RDPs or a RDP, respectively. Please ask for this on your next transaction.

For further information on the Domestic Partnership Registry, visit http://www.ss.ca.gov/dpregistry