Community Counsel

OAAC PRESENTATION • AUG 14, 2026

Preserving Homeownership Help to Age in Place

Estate planning, title fraud prevention, and free legal help for Orange County homeowners.

Who We Are

Community Counsel

Our mission: Community Counsel goes where we're needed. We provide accessible legal services—from individual representation to impact litigation—to people and communities facing legal challenges that threaten their rights, independence, and dignity. We follow the need, both in the work we take on and the communities where we show up.

FREE WORKSHOPS

Wills, trusts, health care directives, and powers of attorney — drafted with you at no cost.

TRUSTED HELP

Volunteer attorneys work with our staff to protect your home and your independence.

TODAY'S FOCUS

Homeowners 60+ on a fixed income, in English, Spanish, Vietnamese, Korean, and Chinese.

What We'll Cover Today

Aging with Dignity and Independence

1. **Protecting your home & legacy**
   legal tools that avoid probate court and Medi-Cal recovery

2. **Home title fraud — the silent threat**
   a fast-growing scam targeting older homeowners — and how OC is responding

3. **What you can do right now**
   free, low-cost steps that protect a home today

4. **Free legal resources**
   where eligible Orange County residents can get real help

PART 1

Your Home & Legacy

The legal tools that protect your home now — and keep your family out of court later.

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Why Estate Planning Matters

An estate plan protects your home — the foundation of everything else for older adults.

WITH AN ESTATE PLAN	WITHOUT AN ESTATE PLAN
• You decide who speaks for you	• A judge decides for you
• Your family knows your wishes	• California law picks who inherits
• You can keep things out of court	• Your family may go to probate court
• Your home and legacy are protected	• Attorney fees can take from your estate
• You save money on attorney fees	• Medi-Cal recovery

You don't need to be wealthy to have an estate plan. If you own a home or have savings, this applies to you.

Your Toolkit: While You're Alive

Tools that let someone you trust step in if you can't speak or act for yourself.

HEALTH CARE DIRECTIVE

- Names someone to make medical decisions if you can't
- Lets you state your own treatment preferences in advance
- Takes effect only once a doctor says you lack capacity

PSYCHIATRIC DIRECTIVE

- States your preferences for mental health treatment
- Names an agent for psychiatric crisis decisions
- Protects your voice during a future mental health crisis

POWER OF ATTORNEY

- Names an agent to manage your money & property
- Can start immediately or "spring" when it's needed
- Helps you avoid a court-ordered conservatorship

Your Toolkit: After You're Gone

Tools that say who gets what — and how to keep things out of court.

WILL

- Your written instructions for who gets what
- Names an executor to carry out your wishes
- Must go through probate court to take effect

TRUST

- Holds title to your property while you're alive
- Names a trustee to manage & later distribute it
- Passes to your beneficiaries without probate court

BENEFICIARY FORMS

- Names a beneficiary on bank & retirement accounts
- A Transfer-on-Death Deed can pass a home the same way
- Small estates may qualify for a simplified affidavit

Asset Transfer Summary

What stays out of probate court — and out of Medi-Cal recovery.

ASSET / TOOL	Skips Probate?	Avoids Medi-Cal Recovery?	Notes
No plan at all	NO	NO	Court decides who inherits and pays Medi-Cal back from the estate.
Will only	Often NO	Often NO	If estate over $208,850, still goes to court. Medi-Cal can claim from probate.
Beneficiary form on account	YES	Usually YES	Best for retirement, life insurance, bank POD, investment TOD.
Funded Trust	YES	Usually YES	Most flexible. Holds the home and other assets together with rules.
TOD Deed (home only)	YES if it works	Usually YES	We don't recommend — high risk if any error. Use a trust instead.
Joint tenancy with a relative	YES (one death)	Often YES	Risky: co-owner gets full control; loses step-up; not flexible.

Bottom line: Funded trust + updated beneficiary forms = best protection from court and from Medi-Cal recovery.

How Your Home Is Owned

The deed decides what happens — read it before you plan.

JOINT TENANCY

Equal shares. When one owner dies, the other(s) automatically get the share.

- Common between spouses
- Skips probate for that share
- You can't leave it to someone else in your will — the other owner gets it first
- Look for: "joint tenants with right of survivorship“ or “joint tenants”

TENANCY IN COMMON

Each owner has a share they can leave to anyone they choose.

- Shares can be unequal (50/50, 70/30, etc.)
- Each share passes by will or trust
- Useful if you want your share to go to a child, not a co-owner
- Look for: "as tenants in common"

Action step: Pull out your deed. The exact words on it tell you which kind of ownership you have.

Two Things to Know About Your Home

Property tax reassessment and the step-up in basis — in plain English.

PROPERTY TAX REASSESSMENT

In CA, when a home changes hands, the county may re-check its value and raise property taxes.

Transfers that usually DO NOT trigger reassessment:

- Spouse to spouse
- Putting your own home into your own revocable trust
- Parent-to-child IF the child uses it as their primary home (Prop 19, value caps)
- Death of an owner (subject to Prop 19 limits)

STEP-UP IN BASIS

When you die, your home's value is "stepped up" to what it's worth that day — for tax purposes.

Why this matters:

- Your kids only pay capital gains tax on growth ***AFTER*** you die
- Giving the home away while alive passes on your lower cost basis
- Trust transfers and inheritance preserve the step-up
- Adding someone to your deed early gives up part of the step-up

These rules change. Every family's situation is different. Talk to an attorney before changing your deed or making any transfer.

PART 2

Home Title Fraud

"The Silent Heist" — a fast-growing scam that specifically targets older homeowners.

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What Is Home Title Fraud?

A criminal illegally transfers your home's title into their name — often without you knowing.

1. **Identity Theft**

   Scammers gather your name, address, even your Social Security number to impersonate you.

2. **Forgery**

   They use that information to create a forged deed transferring your property to themselves.

3. **Recording the Fake Deed**

   They file it with the county recorder's office. On paper, they now "own" your home.

4. **Cashing In**

   With their new "ownership," scammers take out home equity loans, rent out the home, or sell it.

5. **Who's Targeted**

   Older adults, recently deceased, or absentee homeowners — especially homes paid off free and clear.

Warning Signs & How to Protect Your Title

Two things to watch for — and simple habits that catch fraud early.

WARNING SIGNS

Signs that someone may already be targeting your title.

- You receive documents about a property transfer you never made
- Your property tax bill stops arriving — often the first sign
- You get mortgage papers or payment books for a loan you never took out
- Mail addressed to a stranger starts showing up at your address

HOW TO PROTECT YOURSELF

Simple habits from DFPI and the OC Clerk-Recorder.

- Check the county recorder's Grantor/Grantee Index for activity on your address
- OC mails you a free notice when something's recorded on your property
- Shred documents with personal info — identity theft is usually step one
- Verify with a title company or attorney before signing or responding to any notice

Good to know: Owner's title insurance usually does NOT cover fraud that happens after you buy the home.

If Fraud Happens: The OC Response

Who investigates — and what recovery looks like without a criminal conviction.

WHO INVESTIGATES

- OC Sheriff's Dept.
- OC District Attorney's Office
- CA Dept. of Real Estate
- Adult Protective Services
- OC Recorder's Index (self-check)
- Local police department
- Community Counsel (legal help)

IF NO CONVICTION

- A criminal case can take years, with no guarantee
- Without one, a quiet title action may clear it
- An action to cancel the fraudulent deed may work in Court
- All these options require filing a lawsuit in Court to have a judge correct the fraud

A NEW LAW IS COMING

Senate Bill 255

Starting Jan. 1, 2027, CA recorders must mail notice within 30 days of any deed recorded in your name.

Early warning so you can act before a scammer sells or borrows against your home.

Source: DFPI Consumer Alert, June 2026

Free Title Checkup Clinics

A new partnership with Chicago Title — rolling out across Orange County.

WHAT WE CHECK

Free, in just 20 minutes — no obligation.

- Who's actually on your title
- Whether you're missing a property tax exemption you qualify for
- Any liens or encumbrances you didn't know about
- Signs of a fraudulent deed filed years ago without your knowledge

HOW IT WORKS

Simple, in plain language — no obligation to do anything after.

- Sign up for a 20-minute slot at a community clinic
- Give us your address — Chicago Title pulls the full record at no cost
- We walk you through what we find, in plain language
- If something's wrong, we help you take the next step

Ask us: for upcoming clinic dates — we'll have a flyer with locations as we roll this out.

What You Can Do Right Now

Free or low-cost steps that protect your home — even before your full plan is ready.

1. **Bank accounts — add Pay-on-Death (POD)**
   Free at your bank. Names who gets the money. Skips probate for that account.
2. **Retirement — update your beneficiary**
   401(k), IRA, pension. The most important form. Free at your HR office.
3. **Life insurance — name the right beneficiary**
   Make sure a person or your trust is named — not just "my estate." Update after every life event.
4. **Digital accounts — set legacy contacts**
   Email, photos, social media. Google and Apple let you name a legacy contact. Save passwords for your agent.
5. **Watch your mail for OC's free fraud alerts**
   The OC Clerk-Recorder automatically mails a notice anytime a document is recorded on your property.

Remember: The form on file at your bank, retirement, or insurance always wins — even over your will. Update them every time life changes.

Resources in Orange County

Free for Qualified OC Residents

LEGAL HELP

- Public Law Center
- Community Legal Aid SoCal
- Community Counsel
- Veterans Legal Institute
- Advancing Justice SoCal
- Disability Rights California
- Justice in Aging
- California Advocates for Nursing Home Reform (CANHR)

AGING & SUPPORT

- OC Office on Aging
- Council on Aging – Southern California
- Alzheimer's Association
- Alzheimer's Orange County
- Caregiver Resource Center OC

PAID FIDUCIARY

Professional Fiduciaries Association of California (PFAC)

A licensed professional who can serve as trustee or guardian when no family member is available.

They charge for their work (hourly or % of estate) — the right choice for some families.

pfac-pro.org

Partner With Us

Two ways to bring these services to the people you serve.

IF SOMEONE NEEDS US

- Call 714-617-5353 or visit communitycounsel.org
- Tell us they were referred by OAAC or your organization
- We screen for eligibility and schedule a free consultation
- We can meet at senior centers, churches, and community spaces
- Free or low-cost, based on eligibility

WANT US AT YOUR SENIOR CENTER?

- Book a presentation like this one for your staff or members
- We tailor content and language to your community
- We can return for a full workshop with 1-on-1 estate plan signups
- We bring volunteer attorneys and law student interpreters
- **Contact us to arrange**

Languages: English, Spanish, Vietnamese, Korean, and Chinese — direct with our bilingual staff.

Questions?

We're here to help.

communitycounsel.org
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714-617-5353

In partnership with Sheppard Mullin