

CalWORKs PROGRAM GUIDE
Special Notice
10-09

Subject	CHANGES TO THE <i>CW 81 LIEN AGREEMENT</i> FORM
Reference	All County Letter (ACL) No. 10-23; Civil Code (CC) Sections 1185 and 1189
Effective Date	June 25, 2010
Purpose	The purpose of the Special Notice is to inform staff of updates to the CW 81 Lien Agreement form to conform with Assembly Bill (AB) 886.
Background	<p>CalWORKs Program Guide (CPG) 42-200.G Real Property Temporary Exemption requires that under certain circumstances, as a condition of receiving aid under the CalWORKs program, the client must grant the county a lien against any real property in which they have an ownership interest, if the property is not exempt.</p> <p>The granting of the lien to the county allows the Family Resource Center (FRC) to exempt the value of the real property from being counted as a resource to the Assistance Unit (AU).</p> <p>The exemption is granted for a period of up to nine consecutive months to give the client time to make a good-faith effort to sell the property. CPG 42-200.G requires that the lien agreement be notarized.</p>
Civil Code (CC) Section 1185	<p>Civil Code (CC) Section 1185 defines the duties of a notary public in witnessing and authenticating the identity and signatures of persons when they appear before them to sign documents.</p> <p>When the CalWORKs client is required to sign the CW 81 Lien Agreement, a notary public must authenticate the signature. The CC formerly allowed the notary public, when witnessing the execution of various documents, to determine that the person executing the document is the person identified in the document by:</p> <ul style="list-style-type: none">• Personal knowledge, or• Satisfactory evidence. <p>The CC now, as amended by AB 886 (2007), only allows this determination to be made from:</p> <ul style="list-style-type: none">• Satisfactory evidence.
CW 81 Form	The CW 81 Lien Agreement is the required form for clients to use in

Revisions granting the county a lien against non-exempt real property as a condition of receiving CalWORKs aid. The “Notarization” section of the CW 81 Lien Agreement has been updated to reflect the changes in the law made by AB 886 (2007):

- The term “personally known to me” was removed, and
- The phrase “I certify under PENALTY OF PERJURY under the laws of the state of California that the foregoing paragraph is true and correct” has been added.

Please see [CPG 42-200.G](#) for information that must be included in or attached to the CW 81 Lien Agreement.

ACCESS Impact ACCESS Customer Service Agents are to send a Lien Agreement Form to clients upon request. Appropriate case comments must be entered.

Food Stamp Impact No impact.

Child Care Impact No impact.

Automation Impact CalWIN currently generates the old version of the CW 81. Staff will need to issue a manual CW 81 outside of CalWIN. The new version (04/10) is provided with this Special Notice. Please copy and use the updated form until CalWIN has been updated.

Staff is reminded to review and delete the CalWIN generated form that is incorrect. A case comment needs to be made in CalWIN to explain why the CalWIN generated form is being deleted; and that a manual form has been used instead.

Forms Impact The former version of the CW 81 (07/01) Lien Agreement is obsolete; existing supplies of the CW 81 form must be recycled and staff shall use the revised form (04/10) immediately.

CW 81 form is attached to this Special Notice. The form has been uploaded in the Xerox Print Center and FRCs can request this form directly from the print center using their existing procedure. In the meantime, staff can copy and use the attached form.

Imaging Impact Due to the fact that the CW 81 form requires a client’s signature, the form is to be imaged. The CW 81 is a known form type in DoReS hence no template is needed.

Operational
Impact

No impact.

Quality
Assurance (QA)
Impact

Quality Assurance (QA) will cite the appropriate error when the instructions in this Special Notice are not applied or are applied incorrectly.

Manager
Approval



SYLVIA MELENA, Assistant Deputy Director
Self-Sufficiency Programs
Strategic Planning & Operational Support

FOR RECORDER'S USE

RECORDING REQUESTED BY:

WHEN RECORDED MAIL TO:

FOR THE AMOUNT OF THE LIEN BALANCE CONTACT:

LIEN

On this _____ day of _____, 20____, I, _____,
(THE UNDERSIGNED)

grant the COUNTY of _____, a political subdivision of the State of California, a lien against the real property owned by me or in which I have an interest as described below. This lien is granted as security for the amount I owe the

COUNTY of _____ because of the agreement signed on _____, for myself, my spouse,

or my children beginning the _____ day of _____, 20____.

I hereby waive the defense provided by the statute of limitations.
This lien is binding upon myself, my heirs, executors, administrators, and assignees.

The following is a true and correct description of the real property owned by me or in which I have an interest:
(Attach additional pages if necessary)

NAME(S) OF OWNER(S) AS IT APPEARS ON THE COUNTY TAX ASSESSOR'S ROLLS

THE AUTHORITY FOR THIS LIEN IS FOUND IN WELFARE AND INSTITUTIONS (W&I) CODE 11257.5

SIGNATURE OR MARK	DATE	PRINTED NAME IN FULL
SIGNATURE OR MARK OF SPOUSE	DATE	SPOUSE'S PRINTED NAME IN FULL
SIGNATURE OF WITNESS TO MARK(S)		DATE

NOTARIZATION

SEAL

STATE OF CALIFORNIA
COUNTY OF _____

On _____ before me, _____,
(Title and Name of Officer)

personally appeared _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify, under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal,

Signature _____