

Common Deeds in California

Grant Deed

The main purpose of the grant deed is to transfer property title from one person to another, such as from a seller to a buyer. A grant deed is written evidence that you actually own your property. Additionally, the grant deed provides title guarantees to the new owner.

Quitclaim Deed

A quitclaim deed is a legal instrument which is used to transfer interest in real property. The entity transferring its interest is called the grantor, and when the quitclaim deed is properly completed and executed, it transfers any interest the grantor has in the property to a recipient, called the grantee.

Uninsured Deed

Most Uninsured Deeds are Quitclaim Deeds between family members, especially husband and wife. When a person is added or removed from title there is a possibility for liens to attach to the property. In order for title to close a 'Statement of Information' must be filled out and a 'Confirmation of Conveyance' must be executed and notarized by someone other than the notary on the uninsured deed.

Deed of Trust

A deed of trust is a document which pledges real property to secure a loan, used instead of a mortgage in certain states. A deed of trust involves a third party called a trustee, usually a title insurance company or escrow company, who acts on behalf of the lender. When you sign a deed of trust, you in effect are giving a trustee title (ownership) of the property, but you hold the rights and privileges to use and live in or on the property. The trustee holds the original deed for the property until you repay the loan.

TERMS COMMON TO DEEDS:

Grantor: The person who owns the property and executes the deed conveying the property to another person. This can be one or more persons, a corporation, limited liability company (LLC), partnership or other entity.

Grantee: The person who receives title to the property. The grantee can be one or more persons, a corporation, LLC, partnership or other entity.

Consideration: The value given to the grantor by the grantee in exchange for the conveyance. Some states include the exact consideration in the deed and others do not.

Legal Description: The legal definition of the property being conveyed. This is contained in the deed where the grantor obtained title to the property and should be used in the deed where the grantor conveys the property exactly as written in the grantors deed unless not all of the property is being conveyed.

Execution: A deed must be in writing and signed by the grantor(s).

Acknowledgments: In addition to the signature of the grantor(s), deeds must be acknowledged to be recorded and acceptable as evidence of ownership without other proof. Each state has special acknowledgment forms. In CA this is usually done by a Notary Public.