

## FEC DEED DETAILS

What is a deed? A deed is the document that transfers ownership of real estate. It contains the names of the old and new owners and a legal description of the property, and is signed by the person transferring the property.

2. One generally requires a deed to transfer property. Usually one can not legally transfer real estate without having something in writing. In some situations, a document other than a deed is used. In divorce, a court order may transfer real estate ownership from the couple to one owner.

3. **Quitclaim Deed**, **Grant Deed**, and **Warranty Deed** are common deeds.

A **Quitclaim** deed transfers whatever ownership interest one has in real property. It makes no guarantees about the extent of one's interest. Quitclaim deeds are commonly used by divorcing couples; one spouse signs his/her rights in the couple's real estate over to the other. This can be especially useful if it isn't clear how much of an interest, if any, one spouse has in property that's held in another spouse's name.

A **Grant Deed** transfers one's ownership and implies certain promises—that the title hasn't already been transferred to someone else or been encumbered, except as set out in the deed. This is the most common deed.

A **Warranty Deed** transfers one's ownership and explicitly promises the buyer that one has good title to the property. It may make other promises as well, to address particular transaction situations.

4. One notarizes a Deed. The person who signatures the deed (the person who transfers the property) delivers the deed to a notary public, who will signature and notarize the document. The notarization means that a notary public has verified that the signature on the deed is genuine. The signature must be notarized before the deed will be accepted for record.

5. After a deed is signed and notarized, one records (files) the deed in the land records office in the county where the property is located. This office goes by different descriptions in different states; it is generally known as the County Recorder's Office, Land Registry Office or Register of Deeds. In most counties, it will be located it in or near the county courthouse.

Deliver the signed, original deed to the land records office. The clerk will assign numeral references, stamp and date the deed, copy the document and return the original. The numbers are generally book and page numbers that display where the deed is located in the county records. There is a fee for recording.

6. A **Trust Deed** (also called a Deed of Trust) is not like the other types of deeds; it's not used to transfer property. It is a version of a mortgage, commonly used in some states (i.e. California). A Trust Deed transfers title to land to a "Trustee," usually a Trust or Title Company, which holds the land as security for a loan. When the loan is paid in full, title is transferred to the borrower. The Trustee has no powers unless the borrower defaults on the loan. The Trustee can sell the property and pay the lender from the proceeds, without court action.