

# Types of Deeds

A deed is the method by which an entity, capable of acquiring, conveying and encumbering real property according to statute can convey real property to another such entity. Within Section 13 of the 2019 Contract to Buy and Sell Real Estate, said contract requires the seller to execute and deliver a good and sufficient \_\_\_\_\_ deed to buyer. **The deed form to be used at closing is a point of negotiation between seller and buyer.** The closing and settlement agent may prepare a real estate commission approved deed form **acting only as a scrivener on behalf of the real estate broker.**

The types of deeds differ solely in the the degree of protection that the grantor (seller) promises or warrants to the grantee (buyer). No type of deed transfers any greater or lesser interest than the others. Six commonly used deed forms defined by statute are:

**General Warranty Deed:** The grantor guarantees title against defects that existed before the grantor acquired title or that arose during the grantor's ownership. It does not warrant against encumbrances or defects arising from the grantee's own acts.

**Special Warranty Deed:** The grantor guarantees only against defects arising during the time of the grantor's period of ownership.

**Bargain and Sale Deed: (PR's Deed | Conservator's Deed | Treasurer's Deed)** The grantor conveys real property as well as after-acquired title but does not guarantee or warrant against defects in the past chain of title. However, the grantor does not make a statement that the grantor has not harmed the title. Quite often, personal representatives, trustees, and guardians use the bargain and sale form as they are merely representing a deceased party or a trust or a minor.

**Quit Claim Deed:** The grantor warrants nothing. The quit claim deed merely conveys whatever interest the grantor has in the property, if any. It will not convey after-acquired title. Beneficiary Deed: The grantor must record prior to death and is only effective after death of the grantor. This deed is used as a probate avoidance device.

**Confirmation Deed:** The title passes by statute to the holder of a certificate of purchase or holder of a redemption certificate once all redemption periods have expired after a foreclosure. It is executed by the Public Trustee's office in the county in which the property is located.



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