

# Did you Know????



## **A GENERAL WARRANTY DEED...**

*is the strongest deed. Pursuant to Section 5,022 of the Texas Property Code, the deed warrants to the Grantee:*

- That the Grantor has not previously conveyed the estate or any interest therein to anyone except the Grantee; and
- The estate is free from encumbrances.

**The General Warranty Deed is the deed most used in insuring the titles to real property and gives the most protection to the Grantee.**

## **A SPECIAL WARRANTY DEED...**

*Limits the warranty to: "by, through or under the Grantor but not otherwise."*

These deeds are often used when the conveyance is from an executor, administrator, trustee, guardian, etc. There should be a valid reason for the Grantor to be limiting the warranty. We want to be certain that the Grantor does not have knowledge of some defect in the chain of title that is not being acknowledged.

## **A DEED WITHOUT WARRANTY...**

*excludes the implied warranties under Section 5,023, Property Code.*

It is used when the Grantor never had any real interest in the property for himself— perhaps an executor, administrator, receiver, trustee, guardian, etc. There are circumstances that would permit the use of a deed without warranty in the direct chain of title, however, approval needs to be made on a case-by-case basis.

## **A QUIT CLAIM DEED...**

*Does not contain "grant and convey" language which gives implied warranties under the Property Code.*

Quit claim deeds are not acceptable in the direct chain of title and are normally used only for curative matters. An example would be where a Divorce Decree property divests one spouse's interest in the property to the other— a Quit Claim Deed may then be used to satisfy disposal of the spouse's interest in the real property records.



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