

Why are there different kinds of deeds used for the transfer of real estate?

The transfer of ownership of real estate in Florida is through the use of a document called a deed. Perhaps the reason the document is called a deed is that it represents the action of the seller to hand over or transfer title. Deeds are recorded in the public records of each county to inform everyone of the transfer of title and current ownership.

There are various types of deeds based on the obligations of the seller to warrant or protect the title to the buyer.

A general or full warranty deed provides the buyer with the most protection in that the seller warrants that he is the owner and if there is ever a question of ownership the seller will take the steps necessary to protect the buyer's interest. It says, in effect, "I promise you I have good title to this property and after this conveyance, you will have good title to it. If somebody makes a claim or creates a "cloud" on the title, I "warrant" I will defend you against any such claim.

A special warranty deed, instead of warranting the title as against all persons, merely warrants the title against claims that arose during the period the seller held title to the property. A special warranty deed guarantees that the seller has done nothing during the time he held title to the property which has, or which might in the future, affect the buyer's title.

A quit claim deed transfers whatever interest the grantor may have, without warranty of any kind. Such a deed makes no warranties as to the

title, but simply transfers to the buyer whatever interest the grantor has, if any.

Then there is a series of deeds given by individuals who are not owners but have been appointed by a legal or governmental authority to transfer title. Examples of these deeds would be; personal representative deed, trustee's deed, guardian's deed, etc. Generally, these deeds do not contain warranties.

All deeds will be subject to the lien of ad valorem real estate taxes for the current year and beyond. Also, the deed may have exceptions for conditions and restrictions of record that limit the use of the property. In addition, the deed may include exceptions for mortgages, liens and leases and other encumbrances.

Therefore, the purchase of real estate requires a review of the chain of title so that you know what you are buying. In most cases the buyer should consider purchasing an owner's title insurance policy, which will protect against unknown or undisclosed claims which may not appear on the public records.

For additional information go on line and check the American Land Title Association webpage www.alta.org.

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