

DEED DEFINITIONS



BARGAIN AND SALE DEED

A deed by which the grantor “bargains, sells and conveys” real property to the grantee. A bargain and sale deed conveys fee simple title to the grantee and warrants against defects created only by the grantor, except for those matters disclosed in the deed and not those of prior owners.

QUIT CLAIM DEED

A deed by which the grantor “conveys and quit claims” to the grantee any interest the grantor *might* have, if any, in certain real property. A quit claim deed conveys no warranties of title. A quit claim deed conveys no after-acquired title, unless the deed contains words expressing the intent to do so.

PERSONAL REPRESENTATIVE DEED

An attorney prepared deed used when the seller of property is deceased. The Grantor on PR deed has been authorized by the court to convey the property on behalf of the estate. The attorney which prepares the deed may incorporate warrants similar to Bargain & Sale Deed or Special Warranty Deed or Quit Claim Deed.

STATUTORY WARRANTY DEED

A deed by which the grantor “conveys and warrants” the real property to the grantee. A statutory warranty deed conveys fee simple title to the grantee and warrants against defects asserted by all prior owners not just the grantor only, except for those matters disclosed in the deed.

SPECIAL WARRANTY DEED

A special warranty deed is similar to a Washington form bargain and sale deed, which conveys fee simple title to the grantee and warrants against defects created by the grantor, except for those matters disclosed in the deed.

TAX DEED

A deed issued by the county treasurer to the purchaser at a tax sale conducted due to nonpayment of taxes. A tax deed like any other deed should be recorded to give notice that title has passed to the purchaser at the sale.

TRUSTEE'S DEED

A deed issued by the trustee of a deed of trust following the non-judicial foreclosure of a deed of trust in default. First, the trustee or beneficiary sends a Notice of Default. Then, the trustee: 1) records a Notice of Trustee's Sale; 2) holds the trustee's sale; and 3) issues a trustee's deed to the highest bidder at the sale. The trustee's deed should be recorded to give notice that title has passed to the purchaser at the sale.

TRANSFER ON DEATH DEED (TODD)

A deed that allows an individual vested property owner to transfer title to their interest in the property upon their death. The TODD ultimately transfers property without covenant or warranty of title. While the transferor is alive, this deed has no impact on their ability to convey or encumber the property.