

title tips and escrow essentials

TITLE INSURANCE, SELLERS & DIVORCE



PENDING DIVORCE

1. A pending divorce situation means the sellers are still married and both vested owners will need to sign the deed to the buyer at closing.
2. Both parties will also need to acknowledge who the seller net proceeds are going to.
3. Typically, neither party can give the other power of attorney to sign on their behalf and escrow cannot prepare a power of attorney in divorce situations.

CLOSED DIVORCE

1. A divorce decree filed in county Superior Court will sometimes be shown on the title report. Typically, divorce decrees do not list settlement terms and instead typically refer to a property settlement agreement. This agreement is often not filed in court due to privacy reasons.
2. The title department will need a copy of the property settlement agreement. The copy should be a certified/attorney copy or come from a independent source other than one or both of the parties benefitted by it.
3. The title exam process searches the county the property is in. If the divorce was filed in Superior Court in a different county or state, please let title know ASAP as we will need to get copies.

We know divorces can be sensitive and hard on all participants involved. We utilize the utmost care when working with sensitive situations, including divorce. Contact your title and escrow teams to work through specifics. We are here, happy to help and proud to be a part of your team!

Connect with CW Title to get answers to all of your title and escrow questions!
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