

Common Types of Vesting Deeds

A deed is a written legal document, duly executed and delivered, whereby an owner (grantor) of property conveys some right, title or interest in real estate to a recipient (grantee). There are four major types of deeds recognized in the state of Colorado. The primary difference in each type of deed is the degree of protection that the grantor warrants to the grantee. Any of these deeds may grant a small amount or up to 100% interest based on the specifications within the deed.

There are several key components to deeds which includes:

1. Written document
2. Identification of parties including grantor(s) and grantee(s) with address
3. Consideration or monetary value
4. Words of conveyance, such as "sell" and "convey"
5. Legal description of the property
6. Signature by grantor, commonly witnessed and/or notarized
7. Delivery and Acceptance
8. Exceptions and restrictions
9. Warranties and covenants
10. Date
11. Acknowledgment (a declaration stating the grantor executed the deed voluntarily)
12. Recording

The first seven elements above are essential for a deed to be valid. The others are strongly recommended, but may not invalidate a deed if not included.

General Warranty Deed - A deed wherein the grantor warrants or guarantees title against defects that existed both before the grantor acquired title or which arose during the grantor's ownership. This is the most common type of real estate deed used to transfer ownership interest today and offers the greatest protection of any deed.

Special Warranty Deed - In a Special Warranty Deed, the grantor does not warrant against any title defects prior to his/her ownership of that specific property. These types of deeds warrant greater protection to the grantee than a Quitclaim Deed, but less protection than a General Warranty Deed.

Bargain and Sale Deed - By definition, any deed that identifies consideration and purports to convey real estate is a Bargain and Sale Deed. So many Quitclaim and warranty deeds also fall into this classification. Bargain and Sale Deeds warrant only that the grantor has done nothing to harm title to the property. Other examples of Bargain and Sale Deeds may include an Executor's Deed or Guardian's Deed.

Quitclaim Deed - The grantor of a Quitclaim Deed warrants absolutely nothing regarding title to the property. These deeds convey the grantor's present interest in the land, if any, and are commonly used to clear up any technical defect in the chain of title. A Correction Deed may also be considered as a Quitclaim type of deed.

There are several other types of deeds appropriate and accepted in the State of Colorado to convey property interests specific to the type of transaction or situation of the grantor. Some of these include: Personal Representative's Deed, Conservator's Deed, Sheriff's Deed, Public Trustee Deed, Treasurer's Deed, and Beneficiary Deed. These deeds are used when the conveyance involves death, incapacitation, default or foreclosure.

This information is deemed accurate and reliable, but is not guaranteed. Consumers should seek other professional or legal counsel as necessary for their situation.

