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Washington law is very specific about requirements for validity and recording. The owner can revoke or change the beneficiary designation or freely sell or deal with the property. A quit claim deed also differs from two other Washington deeds that are named after their use as estate planning tools to avoid probate: Washington Life Estate Deed Form - Creates an inheritable remainder interest that passes to remainder beneficiaries on the death of the life tenant, who holds a life estate. Washington TOD Deed Form - Also known as a transfer-on-death deed, this deed form passes property to the owner's beneficiaries at death without giving up control during the owner's life. These requirements include a valid legal description, statement of consideration, and a description of the manner in which co-owners will hold title, font size and page format requirements, and signature and notarization requirements. EXCEPTING AND RESERVING unto Grantor(s) a life estate interest in the above described real estate on the terms listed below. Relationship of Quitclaim Deed Form to Warranty of Title Key Term: Warranty of Title. A warranty of title is a legal guarantee from the transferor to the transferee that there are no title issues. When you transfer property via a warranty deed, you are effectively guaranteeing that you own the interest you're conveying to another person. This information is included in the previous deed. If a deed makes a warranty of title, the transferee can sue the transferor over any title issues. Typically, you finish the process by executing a quit claim deed. The latter process is usually accomplished through executing a quit claim deed. TERMS OF LIFE ESTATE Grantor shall retain the right to use, occupy and possess the real estate described herein for the remainder of the Grantor's life. These other deed forms include: Washington Statutory Warranty Deed Form - Provides a full warranty of title that covers all title defects, including those that arose before the grantor owned the property. If the property has no title issues, it is said to have clear title. Although a quit claim deed is legally distinct from a life estate deed, the same instrument can be both. A deed prepared for use in another state—or, perhaps worse, a generic online fill-in-the-blank form—may not meet Washington requirements. If you don't cure the foreclosure, your property will go through a process called a sheriff's sale where it gets auctioned off to a buyer, frequently your bank, who can buy the property with the proceeds going to your lender to pay off your loan. The life tenant shall have the right to execute leases, geophysical exploration agreements, and perpetual easements and grants of right of way shall be binding upon the remainder estate. Title issues often require legal action to fix and can decrease the value of real estate. Our On Call attorneys are here for you. A Washington quit claim deed form (sometimes called a quick claim deed or quitclaim deed) transfers Washington real estate from the current owner (grantor) to a new owner (grantee) with no warranty of title. There is no such thing as a "quick deed" or "quick claim deed." In some states, including Texas and North Carolina, quit claim deeds are seldomly used due to title insurance underwriting requirements. The term quit claim deed deals exclusively with the warranty of title omitted from the deed. Some laypeople mistakenly refer to a quit claim deed as a quick claim deed. Quit claim deeds are documents that transfer title without making any promises. The grantee acquires whatever interest the grantor had in the property, but the grantor is not responsible for any title issues. A quit claim deed is about risk allocation. Rocket Lawyer On Call® Attorneys When you're nearing foreclosure and don't have a way to work out your loan with your lender, you essentially have two choices. Where it's not appropriate, is transferring property to a third-party purchase for value. Check to hide this tip in the future. EXCEPTING AND RESERVING unto Grantor(s), a percent interest in all oil, gas, and other minerals, including gravel, clay, coal, sand and scoria presently owned by the estate. Quitclaim deeds are versatile tools that can be used in many other scenarios where the grantor does not wish to be legally responsible for title issues. Note: Your initial answers are saved automatically when you preview your document. This screen can be used to save additional copies of your answers. Washington Bargain-and-Sale Deed Form - Provides a limited warranty of title that is defined by statute and limits the grantor's liability to the period when the grantor owned the property. With a quit claim deed, you transfer your interest without making any guarantees. Two key problems come with being foreclosed, other than the obvious one that you're losing your house. Quit claim deeds are appropriate only under certain circumstances. Title issues can be caused by many things, including errors in the public record, unknown liens against the property, undisclosed prior conveyances, forged deeds, missing heirs or unprobated wills, or disputes about boundary lines or surveys. If a parent is transferring property to a child, either outright or after death through his estate, a quit claim deed can safely transfer ownership of that property. Washington Special Warranty Deed Form - Like a bargain-and-sale deed, a special warranty deed provides a limited warranty of title that is limited to the period when the grantor owned the property. The property must be located in Alaska. Some title insurance companies in those states are reluctant to insure property that passes by quit claim deed. Technically, you could quit claim your property to your lender at any point. Of the Washington deed forms, a quit claim deed is the least protective to the grantee and least risky to the grantor. The life tenant shall receive all royalties, rents, leases, geophysical exploration, easement, and right of way payments paid on account of the land during his lifetime. How to Create a Washington Quitclaim Deed A Washington quit claim deed form is authorized by statute. But unlike a bargain-and-sale deed, the warranty is defined in the deed itself and not implied by statute. Spouses also commonly use quit claim deeds to transfer marital property from one to the other after a divorce. For instance, if a property has a long and involved record of ownership and if someone's name is still on the existing deed but shouldn't be, that person can sign off on her interest via a quit claim deed. Each deed created by our deed preparation service was attorney-designed to meet the requirements of Washington law and be eligible for recording in all Washington counties. You must also state what "consideration" the grantee is paying you for transfer of the property. All deeds transfer rights and interests in a piece of property from one person to another. Even a single word of difference can change the warranty or create an ambiguity in the deed that requires costly litigation to resolve. Tips A quitclaim is a type of property deed which you can use to transfer title to a new owner. As a result, the person you transfer the property to can't sue you if you didn't actually own the property you deed to him. He can only sue you if you conveyed the property through a warranty deed and made promises that you had a legal right to do so. After the sheriff's sale, you still get a period of time to stay in your house while you work to "redeem" the loan and pay it off. Other Names for a Washington Quit Claim Deed Form The terms quit claim and quitclaim are interchangeable. Washington title insurance companies routinely insure quit claim deeds, so there is no need for a deed without warranty. Depending on your state and its laws, you could be able to stay in your house for months even after the foreclosure notice gets filed. The grantor that conveys property by quit claim deed form assumes no risk, and a grantee that acquires property by a quit claim deed form takes the title "as is" and cannot sue the grantor for title problems. You can let your bank take your home through the foreclosure process, or you can give your home back to your lender through a deed in lieu of foreclosure. Alaska statutes lists the components you must include for a quit claim deed to be valid. The person you are giving the property to is the grantee. After you go a period of time without making payments, your bank files a notice of foreclosure with a court or, in most cases, by notifying you and advertising the notice. If the deed creates a life estate but conveys the property without a warranty of title, the deed may be both a life estate deed and a quit claim deed. If you're the one transferring the property, you are the grantor. You must give your complete name and address and the grantee's complete name and address, as well as the legal description of the property you're conveying. Alaska requires that a quit claim deed must "substantially" meet a few criteria. Doing this with the bank's permission gets you out of owning your house without having a foreclosure on your credit report, though your credit does take a hard hit from the deed in lieu. Even if you can manage the damage to your credit score, a foreclosure could make you ineligible for a mortgage from three to seven years. It's not uncommon for a foreclosure to lower your credit score by 100 to 150 points. This is always incorrect. Tax Parcel Number; Mail Tax Statements To: [SIGNATURE PAGE FOLLOWS] Grantor Signatures: DATED: , STATE OF , COUNTY OF , ss: Notary Public Title (and Rank) My commission expires EXHIBIT A: LEGAL DESCRIPTION OF PROPERTY What is a Washington Quit Claim Deed? There is no exact form you must use as long as you include certain information. Since quit claim deeds usually transfer property between family members, the consideration is generally something nominal, like \$1. Common Uses of Quitclaim Deeds A Washington quitclaim deed form is a very popular tool for transfers of Washington real estate without consideration (gifts of property). In addition to meeting the specific requirements that apply to quit claim deed forms, the deed must also meet the requirements that apply more generally to other Washington deed forms. It distinguishes the quit claim deed form from three other deed forms that provide a warranty of title. This is true in all states, including Alaska. RCW 64.04.050 includes specific language necessary to create a valid quit claim deed. A Washington quit claim deed form may be correctly called a quitclaim deed form (with no space in "quitclaim"). The first is that it significantly damages your credit. In those states, a different deed form called a deed without warranty (or no warranty deed) is often used as an alternative to a quit claim deed. If you're the grantee and you're acquiring property through a quit claim deed from someone other than a family member, and if you're actually paying substantial money to acquire the property, make sure title to the property is clear and that the seller has the right to sell it to you. Common examples include: Removing an ex-spouse from title to property after a divorce; Adding a new spouse to title to the property after a marriage; Adding children or other family members to the property with rights of survivorship to avoid probate; and Transferring property to a living trust or LLC that is owned or controlled by the grantor. If you did that, though, you'd lose your house, but you wouldn't get out of your responsibility under your promissory note. It is important to get this language—as well as the deed title and any related warranty language—exactly right. Use a title company to prove it, if necessary. They are often used to transfer property between parties with a family connection or other close relationship to one another. Even if the grantor did not own the property, the grantee may not sue the grantor for failure to convey clear title to the grantee. Mortgage companies generally will not accept a quitclaim deed for title transfers so if you're selling your house to a financed buyer, you won't be able to use this document. Grantor shall have full power to use and dispose of the entire distributable income from said real property and shall be responsible for payment of real estate taxes thereon. While the foreclosure process varies by state, the general outline is the same. If it turns out the grantor has no legal right to transfer the property to you, you have no recourse to get your money back. The life tenant cannot sell, mortgage, or otherwise deal with the property during life without the written consent of the remainder beneficiaries. When you do a deed in lieu of foreclosure, you give the ownership of your property back to the bank. The only way to quit claim your property to your lender and get out of responsibility for the loan is to do it with its permission and its agreement to waive the right to pursue you for any shortfall between what you owe and the value of your property. The Alaska Legal Resource Center's website gives an example of the exact wording you should use. The two most common forms of deeds are warranty deeds and quit claim deeds. A quitclaim is a type of deed, but it requires fewer formalities and offers fewer protections than other types of real estate deed. [] [] After Recording Return To: [] [] [] [] [] SPACE ABOVE THIS LINE FOR RECORDER'S USE ON THE GRANTOR(S) , a married person for and in consideration of: One Dollar (\$1.00) and/or other good and valuable consideration conveys, releases and quitclaims to the GRANTEE(S): , Trustee, residing at , County, the following described real estate, situated in , in the County of , State of Legal Description: See attached Exhibit A Grantor does hereby convey, release and quitclaim all of the Grantor's rights, title, and interest in and to the above described property and premises to the Grantee(s), and to the Grantee(s) heirs and assigns forever, so that neither Grantor(s) nor Grantor's heirs, legal representatives or assigns shall have, claim or demand any right or title to the property, premises, or appurtenances, or any part thereof. In essence, all that you're doing is telling the bank that it can have whatever rights you have to the property, if any. Grantor may commit waste on the premises if he desires to do so.

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