

Document Definitions

******Disclaimer: Recorded instruments are legal documents, and it is highly advisable a licensed title company or real estate attorney be involved in the creation and execution of any document. The Recorder of Deeds is providing these basic document definitions to help constituents have a basic understanding of the different types of recording. There are other documents available to record but this is a basic list of the main types. Please see an attorney or title company for forms.******

******A title search provides constructive notice of any encumbrances, easements, or restrictions on the property being conveyed, and is generally considered part of a buyer's due diligence in the process of purchasing real estate. Buyers can also purchase title insurance to protect against title defects. ******

This document is not intended to nor does it purport to provide legal advice. You should consult an attorney if you have questions.

Conveyances of property:

Warranty deed (WD): A warranty deed is a type of deed where the grantor (seller) guarantees that he or she holds clear title to a piece of real estate and has a right to sell it to the grantee (buyer). This is in contrast to a quitclaim deed, where the seller does not guarantee that he or she holds title to a piece of real estate.

Quitclaim Deed (QC): A quitclaim deed is a legal instrument which is used to transfer interest in real property, the entity transferring their interest is called the *grantor*, and when the quitclaim deed is properly completed and executed it transfers any interest the grantor has in the property to a recipient, called the *grantee*. The owner/grantor terminates (“quits”) any right and claim to the property, thereby allowing the right or claim to transfer to the recipient/grantee.

Judgements (JUDG, DECR, ORDR): Judgements, Decrees, Orders are court created documents that have been ruled by a judge that may contain a verdict on which a party is to receive property or money.

Contract for Deed (CFD): A contract for deed is a contract between a seller and buyer of real property which provides for periodic installment payments by the buyer, with the seller agreeing to execute and deliver a deed upon payment of the full purchase price.

Beneficiary Deed (BENE): A beneficiary deed conveys an interest in real property to a grantee designated by the owner, and it expressly states that the deed is not to take effect until the death of the owner. You should consult a life estate planning professional about the differences between beneficiary deeds and trusts.

Loans and Liens against property:

Deed of Trust (DOT): A deed of trust involves three parties: a lender, a borrower, and a trustee. The lender gives the borrower money. In exchange, the borrower gives the lender one or more promissory notes. The real estate serves as the security for the promissory notes.

Lien (LIEN): A lien is notice filed with the recorder to prove an amount is owed to a party. These can range anywhere from liens from a city for ordinance violations, homeowners association past dues liens, or even water department liens. These may also be government issued liens for taxes, such as Federal or State Tax Liens.

Releases (REL): A lien release is when the holder of a lien, deed of trust, or security interest in a piece of property, lifts or waives the lien, thus unencumbering the property from the lien.

Miscellaneous Documents:

Easements, Right of ways (EASE, ROW): An easement is a non-possessory right to use and/or enter onto the real property of another without possessing it. Easements are helpful for providing pathways across two or more pieces of property or allowing an individual to fish in a privately owned pond.

Power of Attorney (POA): A power of attorney is a document that allows you to appoint a person or organization to handle your affairs while you're unavailable or unable to do so. The person or organization you appoint is referred to as an "Attorney-in-Fact" or "Agent."

Affidavit of Home Schooling (AFHS): A home school may provide to the recorder of deeds of the county where the child legally resides, or to the chief school officer of the public school district where the child legally resides, a signed, written declaration of enrollment stating their intent for the child to attend a home school within thirty days after the establishment of the home school and by September first annually thereafter. The name and age of each child attending the home school, the address and telephone number of the home school, the name of each person teaching in the home school, and the name, address and signature of each person making the declaration of enrollment shall be included in said notice. The recorder of deeds may charge a service cost of not more than one dollar for each notice filed.

Military Discharges: The Recorder of Deeds will record government issued Military Discharges for no cost. Recording these will allow the document to become a permanent record; in case the original is ever misplaced or destroyed, a certified copy of the original can be obtained from the Recorder of Deeds.