Chapter 10 Summary

Deeds

Voluntary alienation is an unforced transfer of title by sale or gift from an owner to another party. **Involuntary alienation** is a transfer of title to real property without the owner's consent.

DEEDS

- **Grantor** – The person who transfers the title to real property.
- **Grantee** – The person who receives the property from the grantor.
- **Act of conveyance** – Expresses the grantor's present desire and intention to transfer legal title to the grantee (granting clause).
- **Consideration** - Valuable or good consideration.
- **Legal description** – Accurately locates and identifies the boundaries of the subject parcel of property.
- **Habendum clause** - Describes the type of estate being conveyed.
- **Designation of limitations** – Limitations spelled out in the deed.
- **Exemptions and reservations affecting the title** – A "subject to" clause.
- **Signature of the grantor** - Must be signed by the grantor, but not necessarily by the grantee.
- **Delivery and acceptance of the deed** - Necessary for title to pass.
- **Acknowledgement** – A deed without an acknowledgement tends to endanger a person's claim to a property.
- **Recording** - Not necessary, but gives the public constructive notice of the grantee's ownership.

LEGAL DESCRIPTIONS

A legal description provides accuracy and consistency over time. It is required for:

- Public recording
- Creating a valid deed of conveyance or lease
- Completing mortgage documents
- Executing and recording other legal documents

Metes and Bounds

- Identifies the boundaries of a parcel of real estate using reference points, distances, and angles. The description always identifies an enclosed area by starting at and returning to the **POB**.

BM King

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