



# LEGAL BRIEF

## QUIT CLAIM DEEDS

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### PREPARED BY

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### Quit Claim Deeds

#### **WHAT IS A QUIT CLAIM DEED?**

A quitclaim deed is a release by the grantor, or conveyor of the deed, of any interest the grantor may have in the property described in the deed. Generally a quitclaim deed relieves the grantor of liability regarding the ownership of the property. This packet contains some basic information about quit claim deeds and a “fill in the blank” form. You may have the document notarized during our “Notary Hours” (Monday – Friday, 0900-1500)

#### **WHAT IS A CONVEYANCE?**

A quit claim deed is a form for the conveyance of interest in real property (real property is land and anything permanently fixed on the land, such as a house). A quit claim deed must have a “Grantor” (person conveying the property), a “Grantee” (person receiving the property), be in writing, be signed by the grantor, and must be delivered to and accepted by the grantee. The Grantor’s signature does not have to be notarized to be effective but must be notarized to allow its recordation. Recordation is important to give “constructive knowledge” to the world that the grantee has received title to the property, so that the grantor cannot, for example, sell the same property to more than one person.

A quit claim deed can convey the full right to ownership of the property or a lesser than full right to ownership, such as a lifetime estate to possess the property. This form transfers all of the Grantor’s rights in the property to the Grantee. A quit claim deed gives no warranties regarding the Grantor’s right to, ownership or possession of the property deeded, or even that the Grantor has any right at all in the property. Legally, a quit claim deed says only that “Whatever right I have in this property, if any at all, I am deeding to you”.

#### **WHEN WILL I NEED A QUIT CLAIM DEED?**

Quitclaim deeds are most often used to transfer property within a family. For example, when an owner gets married and wants to add a spouse’s name to the title, or when the owners divorce and one spouse’s name is removed from the title. In other cases, a quitclaim deed can be used when parents transfer property to their children or when siblings transfer property to each other.

Some families opt to put their property into a family trust and a quitclaim deed can be used then as well.

One other time a quitclaim deed might be used is when a title insurance company finds a potential additional owner of a property and wants to make certain that this person doesn't make a future claim of ownership. In that case, the insurance company would ask that person to sign a quitclaim deed.

It is important to recognize that a quitclaim deed impacts only the ownership of the house and the name on the deed, not the mortgage. For instance, in the case of a divorce, if both spouses' names are on the home loan, they are still both responsible for the loan even if a quitclaim deed has been filed.

However, because quit claim deeds do not guarantee what, if any, interest the seller has in the property. Used in most real estate sales transactions, a warranty deed says that the grantor (previous owner) is the owner of the property and has the right to transfer the property to you. In addition, this deed serves as a statement that there are no liens against the property from a mortgage lender, the Internal Revenue Service or any creditor, and that the property can't be claimed by anyone else. Title insurance provides the financial back-up to the warranty deed and requires a title search to verify that no other claims on the property are outstanding.

## **CONTENTS OF A QUIT CLAIM DEED**

Attached is a sample of a quit claim deed. Different jurisdictions have different content and formatting guidelines, so check with the jurisdiction where the deed will be recorded for specific requirements.

**THE INFORMATION CONTAINED IN THIS PAMPHLET IS OF A GENERAL NATURE AND IS PROVIDED FOR YOUR ASSISTANCE AND CONVENIENCE. IT IS NOT INTENDED AS LEGAL ADVICE AND IS NOT A SUBSTITUTE FOR LEGAL COUNSEL. IF YOU HAVE ANY QUESTIONS AS TO HOW THE LAW IN THIS AREA AFFECTS YOU OR YOUR LEGAL RIGHTS, CONTACT YOUR CIVILIAN ATTORNEY OR THE NELLIS AIR BASE LEGAL OFFICE FOR AN APPOINTMENT WITH A LICENSED ATTORNEY.**

# QUIT CLAIM DEED

FILED FOR RECORD AT REQUEST OF \_\_\_\_\_

WHEN RECORDED RETURN TO:

NAME: \_\_\_\_\_

ADDRESS: \_\_\_\_\_

CITY, STATE, ZIP: \_\_\_\_\_

THIS SPACE FOR RECORDER ONLY

## QUIT CLAIM DEED

THE GRANTOR(S), \_\_\_\_\_ for and in consideration of: \_\_\_\_\_ conveys and quit claims to the GRANTEE (S), \_\_\_\_\_ the following described real estate, situated in the County of \_\_\_\_\_ State of Nevada, together with all after acquired title of the grantor(s) therein (legal description): \_\_\_\_\_

DATED \_\_\_\_\_

DATED \_\_\_\_\_

\_\_\_\_\_  
Grantor

\_\_\_\_\_  
Grantor

STATE OF NEVADA    )  
                                  )ss  
COUNTY OF CLARK    )

On this day personally appeared before me \_\_\_\_\_ and \_\_\_\_\_, Grantor(s), to me known to be the individual(s) described in and who executed the foregoing instrument, and acknowledged that s/he signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.

\_\_\_\_\_  
NOTARY PUBLIC in and for the State of Nevada  
Residing at \_\_\_\_\_  
My commission expires \_\_\_\_\_