

# CHAPTER 4 - TRANSFER

## I. TITLE TRANSFER

### A. INVOLUNTARY TRANSFERS OF TITLE.

#### 1. TRANSFER BY NATURAL CAUSES.

#### 2. TRANSFER BY OPERATION OF LAW.

a. Condemnation.

b. Intestate succession.

c. Community property.

d. Adverse possession.

**e. Forfeiture of Title**

**3. TRANSFER BY COURT ACTION.**

**a. Partition sale.**

**b. Foreclosure sale.**

**c. Quiet title action.**

**d. Forfeiture of Title**

**B. VOLUNTARY TRANSFER OF TITLE.**

**1. TRANSFER BY GOVERNMENT PATENT OR PUBLIC GRANT.**

**2. TRANSFER BY WILL.**

**a. Formal will.**

**b. Holographic will.**

**c. Nuncupative will.**

**3. TRANSFER BY GIFT.**

**4. TRANSFER BY SALE.**

## **II. DEEDS**

**A. DEED REQUIREMENTS FOR A VALID CONVEYANCE.**

**1. MUST BE IN WRITING.**

**2. GRANTOR MUST BE NAMED AND MUST BE LEGALLY COMPETENT.**

**3. GRANTEE MUST BE NAMED.**

**4. CONSIDERATION.**

**5. LEGAL DESCRIPTION.**

**6. GRANTING CLAUSE (WORDS OF CONVEYANCE).**

**7. SIGNATURE OF THE GRANTOR(S).**

**8. DELIVERY AND ACCEPTANCE.**

**B. TYPICAL (BUT NOT ESSENTIAL) DEED PROVISIONS.**

**1. DATE.**

**2. HABENDUM CLAUSE.**

**3. RESERVATIONS AND EXCEPTIONS.**

**C. COVENANTS OF TITLE.**

**1. COVENANT OF SEISIN.**

**2. COVENANT AGAINST ENCUMBRANCES.**

**3. COVENANT OF QUIET ENJOYMENT.**

**4. COVENANT OF WARRANTY FOREVER.**

**5. COVENANT OF FURTHER OR FUTURE ASSURANCES.**

**D. LEGAL ASPECTS OF DEEDS.**

**1. SEAL.**

**2. ATTESTATION.**

**3. ACKNOWLEDGEMENT.**

**E. TYPES OF DEEDS.**

**1. WARRANTY DEEDS.**

**a. General warranty deed.**

**b. Special warranty deed (Limited warranty deed).**

**2. GRANT DEED.**

**3. BARGAIN AND SALE DEED.**

**4. QUITCLAIM DEED.**

## **F. SPECIAL PURPOSE DEEDS.**

**1. GIFT DEED.**

**2. DEED OF TRUST (TRUST DEED).**

**3. DEED OF REFORMATION (CORRECTION DEED).**

**4. COURT ORDERED DEEDS.**

**5. DEEDS EXECUTED BY COURT APPOINTED REPRESENTATIVES.**

## **III. TITLE PROTECTION**

**A. CONSTRUCTIVE NOTICE/ACTUAL NOTICE.**

**B. RECORDING.**

**1. PURPOSE OF RECORDING.**

**2. REQUIREMENTS FOR RECORDING.**

**a. Tract index.**

**b. Grantor-grantee index.**

**C. METHODS OF TITLE PROTECTION.**

**1. TITLE REPORTS.**

**a. Chain of title.**

**b. Abstract of title.**

**c. Cloud on the title.**



**d. Quiet title action.**

**e. Certificate of title.**

**2. TITLE INSURANCE.**

**a. Lender's policy.**

**b. Owner's policy.**