

FORMS OF DEEDS IN OHIO

1. GENERAL WARRANTY DEED

- A. **Most common form of deed in Ohio.** If there is just one buyer, title will upon death pass to such owner's heirs unless otherwise provided for by the owner's will. If there is more than one buyer, then a Tenancy-in-Common among owners is created, which means that each buyer owns an "undivided" interest in property. Upon the death of one of the owners, title to their "undivided" part interest will pass to that owner's heirs unless otherwise provided for by the owner's will.
- B. Seller warrants title to be free and clear except as stated in deed. Seller takes on responsibility for soundness of entire chain of title.
- C. Although seller's warranties are desirable, title insurance has reduced their importance. Buyers and lenders generally rely on title insurance to protect investment. Therefore, title insurance is also a benefit to the seller as it may reduce actual exposure if old title defects arise.

2. LIMITED WARRANTY DEED

- A. Special circumstances - seller only warrants title as to period that he held title - not responsible for matters previous to seller's acquisition.
- B. Often used on commercial transactions where seller and buyer agree to rely on title insurance for protection but require seller to account, if necessary, for matters occurring during seller's ownership.
- C. Also may be used where seller is not in a position to make warranties as to entire history of title. Perhaps title taken by foreclosure, in settlement of debt, etc.
- D. Otherwise, same as General Warranty Deed.

3. WARRANTY DEED CREATING TENANTS IN COMMON WITH THE RIGHT OF SURVIVORSHIP

(Also may be known as "Joint and Survivorship Deed")

- A. Used when two or more persons are buyers.
- B. Upon death of one of the owners, interest is not considered an asset of the estate but title to the interest transfers "by contract" to survivor(s). Such interest, however, must be considered in the decedent's estate for Ohio Estate tax purposes (and for federal tax purposes) as if it was an asset of the estate.

4. QUIT CLAIM DEED

- A. Simplest form of deed as it only conveys whatever interest seller owns or may own; no warranties are expressed or implied.
- B. Creates tenancy-in-common if more than one buyer is involved; similar in this respect to General Warranty Deed.
- C. Buyer has no recourse against seller for defects in title. Title insurance advisable whenever buyer accepts Quit Claim Deed.

5. SPECIAL PURPOSE DEEDS

- A. Other types of deeds are necessary under particular situations, but since their application is limited, no description need be given here.
- B. Such special purpose deeds include **Sheriff's Deed** (foreclosure), **Executor and Administrator's Deed** and **Guardian's Deed** (Probate Court), **Trustee's Deed** (Bankruptcy) and **Auditor's Deed** (tax sale).
- C. **Transfer on Death Designation Affidavit** supercedes transfer on death deed (works like a life insurance policy).

NOTE: We highly recommend that you consult an attorney to determine the deed that best suits your needs.



2401 Brookpark Rd., Cleveland, OH 44137 • (216) 661-2240 FX (216) 661-2850
www.MountMorrisTitle.com • MT@MountMorrisTitle.com