

Ohio Deeds Quick Reference Guide

- In General:
 - A deed is an instrument of transfer designed to be recorded and to set forth in the public records the fact that a parcel of real estate has changed ownership.
 - Note: A Certificate of Transfer or Affidavit of Survivorship are not instruments of transfer, but instead a memorialization of facts after the fee holder's passing.
- Deed Requirements:
 - Each deed must have a grantor, grantee, recitation of the consideration, legal description, recitation of warranties (if any), recitation of conditions (if any), recitation of exceptions (if any), and an acknowledgement clause.
 - Must have a "prepared by" clause. A deed may be prepared by an attorney or grantor only, otherwise it may be considered the unauthorized practice of law.
 - Grantors and grantees must be in existence at the time the deed is created.
 - A deed to a dead person or non-existent entity is void.
 - Ohio does not recognize DBAs for title holding purposes.
- Types of Deeds you may see:
 - General Warranty Deed
 - Conveys the highest and best interest in property.
 - Grantor provides warranties to the grantee:
 - Grantor has good and marketable title
 - Grantor has the unfettered right to convey the title
 - Grantor is not aware of any challenges to the title
 - Grantor will "warrant and defend" the title against any challenges
 - Limited Warranty Deed
 - Gives some warranties, but those warranties are limited.
 - Generally speaking, the same warranties as a general warranty deed, but limited to objectionable items that arose during the ownership of the grantor giving the deed.
 - Does not warrant against any issues that arose prior to the time that the grantor took title.
 - Fiduciary Deed
 - Similar to a Limited Warranty Deed.
 - Gives the same warranties as a general warranty deed, but any cause of action for a breach of said warranties can be had only against the estate that gave the deed.
 - Once the Estate is closed, there is generally no person or entity who would be responsible for the breach of warranty.
 - Quit Claim Deeds
 - Contains no warranties and is a "Buyer Beware" Deed.
 - Conveys only the interest which the grantor had.
 - If the grantor had no interest, then no interest is conveyed.
 - Survivorship Deeds
 - Two or more persons take title to the property, and the survivor or survivors in title retain title at the death of one of the grantees.
 - A divorce, or conveyance out by one of the only two survivorship tenants, destroys the survivorship.
 - At the death of an owner who holds title in survivorship, the interest of the decedent transfers by law into the other owners. This happens at the moment of death.
 - That transfer is memorialized by recording an affidavit of survivor or survivors.

Continued Next Page

- Transfer on Death Designation Affidavit
 - Prior to 2009 – called a Transfer on Death Deed.
 - Similar to Survivorship Deeds, this allows individuals to transfer property upon death without probate.
 - The affiant (owner) names one or more specific individuals (beneficiaries) who will become the owner(s) upon the owner’s death.
 - No limit as to the number of named beneficiaries.
 - Individuals can be contingent beneficiaries who take title should one of the named beneficiaries die before the property owner.
 - If a beneficiary predeceases the owner, they do not have ownership rights because title does not pass until the owner dies.
 - If all beneficiaries predecease the owner, the affidavit fails and the property must be included in the owner’s estate.
 - Can be revised/rescinded by the owner any time before their death.
- Common Errors which may result in faulty deeds:
 - Cutting and pasting the legal description
 - Not proofreading the deed
 - Conveyances into nonexistent entities or misspelled entities
 - Improper Acknowledgments
 - Marital status:
 - Lack of marital status is objectionable, so must be clear and concise.
 - Improper forms:
 - Sam Jones & Betty Jones, married – married to whom?
 - Sam Jones, divorced – was he remarried after?
 - Betty Jones, widowed – was she remarried?
 - Proper forms:
 - Sam Jones and Betty Jones, married to each other
 - Sam Jones, divorced and not remarried
 - Betty Jones, single
 - Betty Jones, widowed and not remarried
 - Note: Lack of marital status is objectionable, so making it clear and concise is necessary.

For More Information Contact:



Kimberly Fields
 VP, Sr. Underwriting Counsel
 (312) 590-7556
KFields@wfgtitle.com



Kimberlee Adamiak
 Agency Sales Representative
 (216) 905-8265
KAdamiak@wfgtitle.com

WFG National Title Insurance Company makes no expressed or implied warranty respecting the information presented and assumes no responsibility for errors or omissions. The information in this flyer is for informational purposes only and is not and may not be construed as legal advice. WFG National Title Insurance Company is not a law firm and does not provide legal advice or services of any kind.