

28 (1) If any person [~~shall hereafter convey~~] conveys any real estate by conveyance
29 purporting to convey the same in fee simple absolute, and [~~shall not~~] at the time of [~~such~~] the
30 conveyance the person does not have the legal estate in [~~such~~] the real estate, but [~~shall~~]
31 afterwards [~~acquire~~] acquires the same[;]:

32 (a) the legal estate subsequently acquired shall immediately pass to the grantee, [~~his~~]
33 the grantee's heirs, successors, or assigns[;]; and [~~such~~]

34 (b) the conveyance shall be as valid as if [~~such~~] the legal estate had been in the grantor
35 at the time of the conveyance.

36 (2) (a) Subsection (1) applies to a conveyance by:

37 (i) warranty deed;

38 (ii) special warranty deed; or

39 (iii) trust deed.

40 (b) Subsection (1) does not apply to a conveyance by quitclaim deed.

41 Section 2. Section **57-1-12.5** is enacted to read:

42 **57-1-12.5. Form of special warranty deed -- Effect.**

43 (1) Conveyances of land may be substantially in the following form:

44 SPECIAL WARRANTY DEED

45 _____ (here insert name), grantor, of _____ (insert place of residence), hereby conveys
46 and warrants **§→ [specially] against all who claim by, through, or under the grantor ←§** to
46a _____ (insert name), grantee, of _____ (insert place of residence), for
47 the sum of _____ dollars, the following described tract _____ of land in _____ County, Utah, to
48 wit: (here describe the property).

49 Witness the hand of said grantor this _____ (month\day\year).

50 (2) A special warranty deed when executed as required by law shall have the effect of:

51 (a) a conveyance in fee simple to the grantee, the grantee's heirs, and assigns, of the
52 property named in the special warranty deed, together with all the appurtenances, rights, and
53 privileges belonging to the property; and

54 (b) a covenant from the grantor, the grantor's heirs, and personal representatives, that:

55 (i) the granted property is free from all encumbrances made by that grantor; and

56 (ii) the grantor, the grantor's heirs, and personal representatives will forever warrant
57 and defend the title of the property in the grantee, the grantee's heirs, and assigns against any
58 lawful claim and demand of the grantor and any person claiming or to claim by, through, or

59 under the grantor.

60 (3) Any exceptions to a covenant described in Subsection (2)(b) may be briefly inserted

61 in the deed following the description of the land.

Legislative Review Note
as of 12-7-04 8:41 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel

Interim Committee Note
as of 12-08-04 9:32 AM

The Business and Labor Interim Committee recommended this bill.

Fiscal Note
Bill Number HB0026

Conveyances of Property

13-Jan-05

10:40 AM

State Impact

No fiscal impact.

Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst