

CONVEYANCES OF PROPERTY

2005 GENERAL SESSION

STATE OF UTAH

Sponsor: J. Stuart Adams

LONG TITLE

General Description:

This bill modifies the Real Estate title to address conveyances of property including providing for special warranty deeds.

Highlighted Provisions:

This bill:

- ▶ clarifies application of after-acquired property;
- ▶ provides for special warranty deeds; and
- ▶ makes technical changes.

Monies Appropriated in this Bill:

None

Other Special Clauses:

None

Utah Code Sections Affected:

AMENDS:

57-1-10, Utah Code Annotated 1953

ENACTS:

57-1-12.5, Utah Code Annotated 1953

Be it enacted by the Legislature of the state of Utah:

Section 1. Section **57-1-10** is amended to read:

57-1-10. After-acquired title passes.

(1) If any person [~~shall hereafter convey~~] conveys any real estate by conveyance purporting to convey the same in fee simple absolute, and [~~shall not~~] at the time of [~~such~~] the

conveyance the person does not have the legal estate in [~~such~~] the real estate, but [~~shall~~] afterwards [~~acquire~~] acquires the same[-];

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

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

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

(i) warranty deed;

(ii) special warranty deed; or

(iii) trust deed.

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

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

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

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

SPECIAL WARRANTY DEED

_____ (here insert name), grantor, of _____ (insert place of residence), hereby conveys and warrants against all who claim by, through, or under the grantor to _____ (insert name), grantee, of _____ (insert place of residence), for the sum of _____ dollars, the following described tract _____ of land in _____ County, Utah, to wit: (here describe the property).

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

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

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

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

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

(ii) the grantor, the grantor's heirs, and personal representatives will forever warrant and defend the title of the property in the grantee, the grantee's heirs, and assigns against any lawful

claim and demand of the grantor and any person claiming or to claim by, through, or under the grantor.

(3) Any exceptions to a covenant described in Subsection (2)(b) may be briefly inserted in the deed following the description of the land.