	CONVEYANCES OF PROPERTY
	2005 GENERAL SESSION
	STATE OF UTAH
	Sponsor: J. Stuart Adams
LONG T	ITLE
General	Description:
T	his bill modifies the Real Estate title to address conveyances of property including
providing	g for special warranty deeds.
Highligh	ted Provisions:
T	his bill:
•	clarifies application of after-acquired property;
•	provides for special warranty deeds; and
•	makes technical changes.
Monies A	Appropriated in this Bill:
N	one
Other Sp	pecial Clauses:
N	one
Jtah Co	de Sections Affected:
AMEND	S:
57	7-1-10, Utah Code Annotated 1953
ENACTS	\$:
57	7-1-12.5, Utah Code Annotated 1953
3e it ena	cted by the Legislature of the state of Utah:
Se	ection 1. Section <b>57-1-10</b> is amended to read:
5	7-1-10. After-acquired title passes.



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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[ <del>,</del> ]:
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 to (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

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59 <u>under the grantor.</u>

- 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.

13-Jan-05 10:40 AM

## State Impact

No fiscal impact.

#### Individual and Business Impact

No fiscal impact.

Office of the Legislative Fiscal Analyst