



## SAN MATEO COUNTY LAW LIBRARY

### RESEARCH GUIDE #4

## GRANT DEEDS AND QUITCLAIM DEEDS

This resource guide only provides guidance, and does not constitute legal advice. If you need legal advice you need to speak with an attorney. To find an attorney to assist you, you may contact the San Mateo County Lawyer Referral Service at (650) 369-4149.

### WHEN SHOULD I FILE A DEED?

A deed is filed and recorded with the County Recorder whenever there is a “change of ownership” in real estate. Filing a deed is the strongest *protection for the buyer* from the seller that there are no legal claims or encumbrances on the property.

**CHANGE OF OWNERSHIP** is any change in the ownership of real estate.

- Addition to, or change of, names on property title.
- A transfer of property, or a % of interest in property;
- A legal name change

For more information see the San Mateo County Guidelines: *How to Record a Document*  
[http://www.smcare.org/recorder/recording\\_documents/guidelines.asp](http://www.smcare.org/recorder/recording_documents/guidelines.asp)

### WHAT IS THE DIFFERENCE BETWEEN A GRANT DEED AND QUITCLAIM DEED?

Grant Deeds and Quitclaim Deeds are the two most commonly used deeds in California.

#### **Grant Deed:**

**A Grant Deed** guarantees title from the grantor (*the property owner and holder of the current property deed*) to the grantee (*person receiving it*). Grant Deeds are used by the grantor to transfer ownership or add an additional owner.

A Grant Deed is also used when there is a change of owner’s name, after marriage or a legal name change.

#### **Quitclaim Deed**

**A Quitclaim Deed** is used to transfer your title, interest or a share in the property you have so that you have no claim in the future. A Quitclaim Deed also settles other types of disputes and/or uncertainties in easements and inheritance.

## **THE FILING PROCESS**

**STEP 1:** Before filling out a Grant or Quitclaim Deed you will need the following information:

- Assessor's Parcel Number (APN on the current deed; or on file the Assessor's Division. (\*\* see below)
- Document Transfer Tax amount or exemption.
- Names of grantors (current owners, as shown on current deed) with form of title.
- Names of grantees (all new, or continuing, owners) with form of title.
- The exact legal description of the property to match the current deed.

**STEP 2:** Fill the the form and print it. A blank form can be found on the San Mateo County Law Library's website at: <http://www.smclawlibrary.org/moreforms.html>. Additional blank forms and more information can be found on the Sacramento County Law Library's website at: <http://www.saclaw.org/pages/forms-page-topical.aspx>

A sample deed with attached legal description can be found at::  
<http://www.saclaw.lib.ca.us/pages/deeds.aspx>

**STEP 3:** You must have your deed notarized.

- The current owner must sign the deed in front of the notary; there is a notary fee for this service.
- You can find notaries at banks, mailing services, and title companies.

**STEP 4:** Record Your Deed at the San Mateo County Clerk-Assessor-Recorder-Elections Office, 555 County Center, Redwood City, CA 94063-1665. Phone: (650) 363-4500; Fax: (650) 363-1903. Office hours: Monday - Friday, 8:00 a.m. to 5:00 p.m.