

ARIZONA

GRANT, BARGAIN AND SALE DEED

[Individual to Husband and Wife / Two
Parties]

SAMPLE

Form Number: AZ-045-78



I. TIPS ON COMPLETING THE FORMS

The form(s) in this packet may contain "form fields" created using Microsoft Word or Adobe Acrobat (.pdf format). "Form fields" facilitate completion of the forms using your computer. They do not limit your ability to print the form "in blank" and complete with a typewriter or by hand.

It is also helpful to be able to see the location of the form fields. Go to the View menu, click on Toolbars, and then select Forms. This will open the Forms toolbar. Look for the button on the Forms toolbar that resembles a shaded letter "a". Click this button and the form fields will be visible.

By clicking on the appropriate form field, you will be able to enter the needed information. In some instances, the form field and the line will disappear and the information is entered. In other cases, it will not. The form was created to allow you to print the form.

II. AFFIDAVIT OF PROPERTY VALUE

See form and instructions at: <http://www.uslegal.com/Forms/Property/82162f.pdf>

A.R.S. §§ 11-1133 and 11-1134 (B) require all buyers and sellers of real property or their agents to complete and swear to this affidavit. The affidavit supplied by this form allows the Arizona Department of Revenue and County Assessors to develop tables and schedules for the uniform valuation of properties based on market value.

A.R.S. § 11-1134 provides for certain transfers from completion of the Affidavit of Property Value and the \$2.00 filing fee. See the list of exemption codes below. If the transfer meets the criteria for an exemption, you must complete the Affidavit.

Instead, please post the Statute Number and Exemption Code on the face of the Deed, in the space provided immediately beneath the Legal Description. For example, if Exemption Code B3 is applicable, the proper exemption notation would be A.R.S. 11-1134 B3.

Unless exempt, carefully complete the Affidavit, sign, notarize and submit it to the County Recorder.

LIST OF EXEMPTION CODES (A.R.S. § 11-1134)

- A1. A deed that represents the payment in full or forfeiture of a recorded contract for the sale of real property.
- A2. A lease or easement on real property, regardless of the length of the term.
- A3. Sales to or from government: "A deed, patent or contract for the sale or transfer of real property in which an agency or representative of the United States , this state, a county,

city or town of this state or any political subdivision of this state is the named grantor, and authorized seller, or purchaser.”

- A4. A quitclaim deed to quiet title as described in A.R.S. § 12-1103, subsection B.
- A5. A conveyance of real property that is executed pursuant to a court order.
- A6. A deed to an unpatented mining claim.
- A7. A deed of gift.
- B1. A transfer solely in order to provide or release security for a debt or obligation, including a trustee’s deed pursuant to power of sale under a deed of trust.
- B2. A transfer that confirms or corrects a deed that was previously recorded.
- B3. A transfer between husband and wife, or parent and child with only nominal actual consideration for the transfer.
- B4. A transfer of title on a sale for delinquent taxes or assessments.
- B5. A transfer of title on partition.
- B6. A transfer of title pursuant to a merger of estates.
- B7. A transfer by a subsidiary corporation to its parent corporation with no consideration or nominal consideration or in sole consideration of the parent corporation for the subsidiary’s stock.
- B8. A transfer from a person to a trustee for a trust to a trust beneficiary with only nominal consideration for the transfer.
- B9. A transfer of title from a grantor to a grantee for the purpose of creating a joint tenancy estate or some other form of ownership.
- B10. A transfer from a husband and wife or one of them to both husband and wife to create an estate in community property with right of survivorship.
- B11. A transfer from two or more persons to themselves to create an estate in joint tenancy with right of survivorship.
- B12. A transfer pursuant to a beneficiary deed with only nominal actual consideration for the transfer.

III. DESIGNATING HOW THE GRANTEES WILL HOLD THE PROPERTY:

- A. In the State of Arizona real property can be held by more than one person (concurrent estates) in the following ways:
 - 1. If the Grantees **ARE NOT** married to each other, they can hold the property as:
 - a. Tenants in Common: a type of concurrent estate in which each party owns an undivided interest in the property that will pass to their heirs when the tenant in common dies. Generally their shares are “equal” but may differ in size.
 - b. Joint Tenants with the Right of Survivorship (JTWROS): is a type of concurrent estate in which co-owners have a *right of survivorship*, meaning that if one owner dies, that owner’s interest in the property will

pass to the surviving owner or owners by operation of law, and avoiding probate.

2. If the Grantees **ARE** married to each other, they can hold the property as:
 - a. Tenants in Common – See above
 - b. Joint Tenants with the Right of Survivorship – See above
 - c. Community Property - a form of joint ownership of property between married individuals. When a married co-owner dies their share goes to their heirs as provided in their will or the laws of intestacy.
 - d. Community Property with the right of survivorship - a form of joint ownership of property between married individuals. When a married co-owner dies their share goes to the surviving spouse.
3. In the attached deed, the preparer will need to indicate how the grantees will hold the property: as Tenants in Common; Joint Tenants with the Right of Survivorship; community property or community property with the right of survivorship.

B. For additional information on the above see the definitions at

<http://lawdigest.uslegal.com>

C. For example:

“as Tenants in Common _____”

IV. DISCLAIMER

These materials were developed by U.S. Legal Forms, Inc. based upon statutes and forms for the State of _____ All information on these forms are subject to this Disclaimer:

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This document prepared by (and after recording return to):)
 Name:)
 Firm/Company:)
 Address:)
 Address 2:)
 City, State, Zip:)
 Phone:)

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GRANT, BARGAIN AND SALE DEED
 [Individual to Husband and Wife / Two Individuals]

FOR A VALUABLE CONSIDERATION, receipt of which is hereby acknowledged.

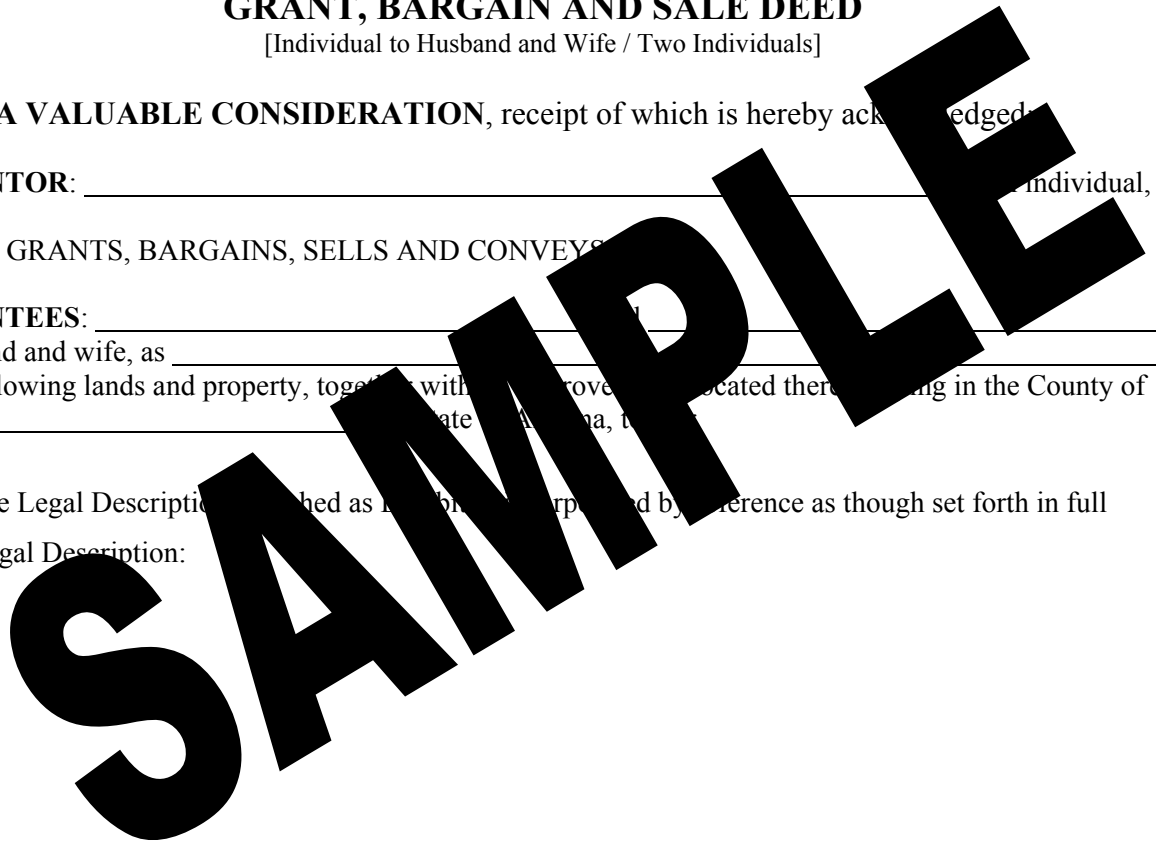
GRANTOR: _____ individual,

hereby GRANTS, BARGAINS, SELLS AND CONVEYS

GRANTEES: _____,

husband and wife, as _____,
 the following lands and property, together with improvements located thereon in the County of _____

- See Legal Description as published as to be interpreted by reference as though set forth in full
- Legal Description:



SUBJECT TO:

1. Taxes for the fiscal year(s): _____;
2. Restrictions and conditions of record, if any; rights of way and easements either of record or actually existing on said premises;
3. _____

Together with all and singular the tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining.

Affidavit of Property Value:

Attached hereto as Exhibit B

Exempt – Statute No. _____ and Exemption Code _____

IN WITNESS WHEREOF, the Grantor has signed and sealed this deed on day and year set forth below.

Date: _____

Signature of Grantor

Print or Type Name

State of Arizona, County of _____

The foregoing instrument was acknowledged and become the act of _____ of _____, 20____, by _____.

Notary Public

Print or Type Name

My Commission Expires: _____

SAMPLE

EXHIBIT A

Grantor:

Grantees:

Legal Description:

SAMPLE