

TYPES OF DEEDS IN CALIFORNIA



CHICAGO TITLE

California mainly uses two types of deeds: the “grant deed” and the “quitclaim deed.” Most other deeds you will see, such as the common “interspousal transfer deed,” are versions of grant or quitclaim deeds customized for specific circumstances. Since the interspousal deed is so commonly requested, we are including a sample in this guide.

DEFINITION

GRANT DEED: A grant deed is used when a person who is on the current deed transfers ownership or adds a name to a deed. The grantor(s) promise that they currently own the property and that there are no hidden liens or mortgages.

QUITCLAIM DEED: A quitclaim deed (sometimes misspelled “quick claim”) is used when someone gives up (waives or disclaims) ownership rights in favor of another person. The grantor may or may not be on the current deed. A quitclaim deed is often used in divorces or inheritance situations, when a spouse or heir gives up any potential rights to real estate. The grantor is giving up their own rights, if any, but not promising anything else.

INTERSPOUSAL DEED: An interspousal deed is used between spouses or registered domestic partners (“DP”) to change real estate to or from community property. Spouses/DPs can use grant or quitclaim deeds to do the same things, but the interspousal deed makes it clear that the transaction is intended to affect community property rights.

WHAT DEED DO I NEED?

To transfer ownership, disclaim ownership, or add someone to title, you will choose between a “grant deed” and a “quitclaim deed.” Spouses/domestic partners transferring property between each other may choose an “interspousal deed.” Here is a table to help you choose:

TYPE OF TRANSFERS	DEED	DESCRIPTION
<ul style="list-style-type: none">• Gift of property• Sale of property• Move property in or out of Trust• Update after name change	GRANT DEED	Used when changing title to real estate you own. Common uses: <ul style="list-style-type: none">• Sale or gift of real estate• Add another owner to title• Transfer property into or out of a trust• Change form of title for co-owners (i.e. change joint tenants to community property)• Update owner’s name after a legal name change
Giving up rights to a property	QUITCLAIM DEED	Used to waive a claim or possible claim to real estate, whether or not you are currently on title. Common uses: <ul style="list-style-type: none">• After a divorce, to transfer property entirely into other spouse’s name• To waive potential claim to other spouse’s separate property• To waive potential inheritance rights
Transfers between spouses/ domestic partners	INTERSPOUSAL DEED	Used by spouses and domestic partners to change property from separate to community (adding spouses/DP name) or from community to separate (removing spouse/DP from title, often due to a divorce).

NOTE: Any time owners make a change to the title of real estate, they must record a deed with the County Recorder.

For more information, visit <https://saclaw.org/>

Source: Sacramento Public Law Library. This material is intended as general information only. Your case may have factors requiring different procedures or forms. If you need further assistance consult a lawyer.