

Quitclaim Deeds and Life Estates

What is a Quitclaim Deed?

All real estate transactions must be in writing.

A quitclaim deed is one way to transfer real property such as:

- A house or
- Land or
- Certain mobile homes.

The person who transfers the property by selling it or making a gift of it is called the "Grantor." The person the property is transferred to is the "Grantee."

A Quitclaim deed is different from other types of deeds. The Grantor of a Quitclaim deed makes no guarantee or promises that the property is free of debt. Also, with a Quitclaim deed the Grantor makes no promises that no one else claims to own the property.

The Quitclaim deed says, in effect, that the Grantor is signing over whatever ownership interest he or she may have in the property. It does not even guarantee that the Grantor has any ownership interest at all.

Before transferring any property, talk to a lawyer. Find out all the possible consequences of the transfer in your particular case.

Once you sign a Quitclaim deed and give it to the Grantee, the transfer is final. You no longer own the property.

What if I want my property back after I sign the form?

If you change your mind later and decide you want to keep the property, it may be impossible or very hard to undo the deed unless the Grantee agrees to Quitclaim the property back to you.

If the Grantee refuses to Quitclaim the property back to you, you would have to prove that the transfer was invalid. Examples: You signed the deed under threats or other extreme pressure, or you signed it due to lies the Grantee told you. You may have to hire a lawyer to invalidate the transfer. That can be very expensive. It may not work.

Do not sign the quitclaim deed if you feel threatened or RUSHED OR under pressure to sign it. Do not sign the deed if you feel the person you are giving the property to may be lying about something related to the property, or your ability to continue living there.

A Quitclaim deed is nearly impossible to undo once it has been signed and delivered to the Grantee. It is very important to talk to a lawyer before you sign the deed.

What if I was lied to or tricked into Signing a Quitclaim Deed?

If someone tricks you into signing a Quitclaim deed, they may be found guilty of theft by deception in the first degree, a class B felony. This kind of felony is punishable by up to ten years in prison, up

to a \$20,000 fine, a \$500 payment to a victims fund, court costs, and \$100 for DNA profiling. Also, a court may order restitution up to double the value of the loss. A person found guilty would lose rights like the right to vote and the right to own a firearm.

There are other criminal penalties if someone forges your signature on a Quitclaim deed. There are also civil penalties for such fraudulent transfers.

You may be able to get your property back, but it will be very hard. You really should talk to a lawyer before you sign a Quitclaim deed.

Will a transfer of property affect Medicaid for long-term care?

Yes. Transferring property for less than fair market value may make the Grantor ineligible for Medicaid long-term care benefits both now and in the future, for as long as five years after the date that the transfer was made, depending on when the transfer happened.

Our publications called [Question and Answers on Medicaid for Nursing Home Residents](#) and [Questions and Answers on COPES](#) have more information on the consequences of transferring property on current or future Medicaid benefits.

If you might need long-term care within five years after the planned transfer of property, or if you are currently getting Medicaid, talk to a lawyer.

How will a transfer of property affect other public assistance?

It may affect current or future eligibility for all types of public benefits, including SSI and Medicaid. It depends on:

- Who owns the property,
- Who lives at the property,
- When and to whom the property is transferred, and
- The reason for the transfer.

Laws regarding the transfer of property and the effect on public benefits eligibility are complicated and change frequently. Discuss any transfer with a lawyer and/or your DSHS caseworker BEFORE making the transfer. Get any advice from your caseworker in writing before relying on it. Ask for a copy of the law supporting the advice.

How will transferring property affect the property tax exemption for seniors and disabled persons?

If you are eligible for lower property taxes because you are a senior citizen or disabled, the taxes might go up unless you, the Grantor, retain a 'life estate' for yourself, or unless the Grantee is eligible for the reduced taxes. Our publication called [Property Tax Exemptions for Senior Citizens and Disabled People](#) has more information.

What is a Life Estate?

One of the many rights of ownership of property is the right to possess the

property. If you sign a Quitclaim deed, you can keep the right to possess the property by retaining a life estate for yourself. A life estate gives you the absolute right to live at the property until you die. After you die, the Grantee then has the right to possession of the property.

◆ Without a life estate, you have no legal right to the property at all after the deed is signed and given to the Grantee.

The Grantor with a life estate has some duties towards the Grantee, such as not destroying the property.

Should I retain a Life Estate?

Some **advantages** of a life estate are:

- The control you have until death;
- Continuing eligibility for the tax exemption program (for a Grantor who qualifies);
- No need for probate on death of the Grantor (the property passes automatically upon the Grantor's death); and
- A possible tax advantage. (Talk to a tax advisor for more information.)

Some **disadvantages** of retaining a life estate are:

- For people who get Medicaid (the State would have a lien on some of the estate upon the Grantor's death);

- The Grantee not having full ownership and control until the Grantor dies; and
- The Grantor's responsibility for property taxes, insurance, and so on until the Grantor dies.

Deciding whether to retain a life estate is often hard. It can have many consequences. If the Grantor expects to receive Medicaid benefits, talk to a lawyer before deciding whether to retain a life estate.

How do I fill out the Quitclaim form?

In this publication we have included:

- A sample form to help you understand the instructions and
- A blank form which the Grantor can actually fill out and record.

You should type or print clearly. Use black ink.

"Filed for Record at the Request of" - Fill in your name.

"When Recorded Return to" - Fill in the Grantor's name and address.

Grantor's Name - Fill in the full name(s) of the person or persons transferring the property. If the property is community property, you must name both spouses or domestic partners. If there is only one Grantor, fill in only the first blank.

Consideration – This is the legal term for what the Grantor is getting out of the deal. Fill in the purchase amount. If the transfer is a gift, fill in "one dollar and love and affection."

Grantee's Name - Fill in the full name of the person/s who will be getting the property. If the property is being transferred to a husband and wife, or to both domestic partners of a domestic partnership, you should list both names. If the transfer is a gift to one spouse or domestic partner only, fill in the individual spouse or domestic partner's name. Then write "as her (or his) separate property." If there is only one Grantee, fill in only the first blank.

County - Fill in the county where the property is located.

Legal Description - Fill in the complete legal description of the property and the tax parcel number. You can find a legal description and tax parcel number on property tax forms or documents such as the mortgage or deed of trust. If the Grantor will retain a life estate, add the words "Retaining unto the Grantor a life estate." after the legal description.

Signatures - The Grantor(s) must sign the deed before a notary public. The Grantee does not get that portion of the property belonging to any Grantor who does not sign. If the property is community property, both spouses or domestic partners must sign the deed.

What do I do with the form once it is completed and signed?

First, the deed must be "delivered" to the Grantee to be effective. The easiest way to "deliver" a deed is to give the deed to the Grantee.

"Recording" a deed creates a presumption that it was delivered. You record a deed by filing it with the county where the property is located. The deed then is part of the public record. The deed should always be recorded to protect the Grantee. There is a small fee for recording a deed. You must file an excise tax affidavit before the county will record your deed.

If the Grantor or an escrow company is going to hold the deed after it is signed, talk to a lawyer to be sure there is valid "delivery."

Real estate excise taxes must also be paid for certain transfers. Within 30 days after property is transferred, a Real Estate Excise Tax affidavit must be filed with the county auditor. The affidavit must include the sale price, if any, and must be signed and filed even if there was no money paid for the transfer, and even if no excise tax is assessed. The Auditor will determine if any excise tax is due. For more information, or to get an affidavit form, call the auditor of the county where the property is located.

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This publication provides general information concerning your rights and responsibilities. It is not intended as a substitute for specific legal advice.

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QUITCLAIM DEED

SAMPLE

THIS SPACE PROVIDED FOR RECORDER'S USE

FILED FOR RECORD AT REQUEST OF John Smith

WHEN RECORDED RETURN TO:

NAME John Smith
ADDRESS P.O. Box 320
CITY, STATE, ZIP Seattle, WA 98101

QUITCLAIM DEED

THE GRANTOR(S), John Smith for and in consideration of: One dollar and love and affection conveys and Quitclaims to the GRANTEE(S), John Smith, Jr. and Mary Smith, husband and wife, the following described real estate, situated in the County of King, State of Washington, together with all after acquired title of the Grantor(s) therein (legal description): The Southerly 90 feet of lots 8 and 9, Block 12, Stewart's first addition to Highland home, an addition to the City of Seattle, as per plat recorded in Volume 2 of plats, page 85, Records of King County situated in the County of King, State of Washington.

Tax Parcel Number: 3355479823

DATED: _____

DATED: _____

Grantor

Grantor

State of Washington }
 } ss
County of }

On this day personally appeared before me _____ and _____,
Grantor(s), to me known to be the individual(s) described in and who executed the foregoing

instrument, and acknowledged that s/he signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____, 20__.

NOTARY PUBLIC in and for the State of Washington,

Residing at _____

My commission expires _____

WHEN RECORDED RETURN TO:

NAME _____

ADDRESS _____

CITY, STATE, ZIP _____

QUITCLAIM DEED

THE GRANTOR(S), _____ for and in consideration of:
conveys and Quitclaims to the GRANTEE(S), _____ the following
described real estate, situated in the County of _____ State of Washington, together with all
after acquired title of the Grantor(s) therein (legal description):

Tax Parcel Number: _____

DATED: _____

DATED: _____

Grantor

Grantor

State of Washington }
 } ss
County of }

On this day personally appeared before me _____ and
_____, Grantor(s), to me known to be the individual(s)

described in and who executed the foregoing instrument, and acknowledged that s/he signed the same as his/her free and voluntary act and deed for the uses and purposes therein mentioned.

GIVEN under my hand and official seal this _____ day of _____, 20____.

NOTARY PUBLIC in and for the State of Washington,
Residing at _____
My commission expires _____