

Quitclaim Deeds and Life Estates

What is a Quitclaim Deed?

It is one way to transfer ownership of real property like

- A house
- Land
- Some mobile homes

The person who sells or gifts the property is the “Grantor.” The person who gets it is the “Grantee.”

❖ All real estate transactions must be in writing.

How is a quitclaim deed different from other deeds?

With a Quitclaim deed, the Grantor is just signing over whatever ownership interest s/he might have in the property. The Grantor does not guarantee that

1. The property is free of debt
2. No one else claims to own it
3. The Grantor has any ownership interest at all

❖ **Before transferring any property, talk to a lawyer.**

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

I changed my mind about giving my property away. Can I get my property back after I sign the deed?

Maybe not. The Grantee would have to agree to Quitclaim the property back to you. If s/he

refuses, you would have to prove the transfer was invalid. **Examples:**

- You signed the deed under threats.
- You signed it due to lies the Grantee told you.

You may have to hire a lawyer to undo the deed. That can cost a lot. It may not work.

Should I sign a quitclaim deed?

Do not sign one if:

- You feel threatened, rushed, or under pressure.
- You feel the person you are giving the property to may be lying about something related to the property or whether you can keep living there.

❖ A Quitclaim deed is almost impossible to undo. Talk to a lawyer **before** signing the deed.

What if someone lied to me or tricked me into signing a quitclaim deed?

A court could find that person guilty of theft by deception in the first degree, a class B felony. The person could face:

- prison time
- a fine
- payment to a victims fund
- court costs
- \$100 for DNA profiling
- Paying you back up to double the value of the loss

- The loss of rights like the rights to vote and own a firearm
- Other possible penalties

❖ You may be able to get your property back, but it will be very hard. Talk to a lawyer **before** signing a Quitclaim deed.

Will quitclaiming my property to someone affect my Medicaid for long-term care?

Yes. Selling/giving real property for less than fair market value may make you ineligible for Medicaid long-term care benefits now AND for up to five years after the date you quitclaimed the property.

[Question and Answers on Medicaid for Nursing Home Residents](#) and [Questions and Answers on COPES](#) have more info.

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

Will quitclaiming my property affect my eligibility for other public assistance, such as SSI and Medicaid?

Maybe. It depends on:

- Who owns the property.
- Who lives there.
- When and to whom you quitclaim it to.
- Why you quitclaim it.

The laws about transferring property, and how it affects public benefits eligibility, are complicated and change a lot. Talk to a lawyer and/or your DSHS caseworker **BEFORE** signing any deed. Get any advice from your caseworker in writing before relying on it. Ask for a copy of the law supporting the worker's advice.

I am a senior or disabled. Will quitclaiming my property affect my property tax?

Your taxes might go up unless one of these is true:

- You keep a 'life estate' for yourself. (See the next two sections.)
- The Grantee is also eligible for reduced taxes.

❖ [Property Tax Exemptions for Senior Citizens and Disabled People](#) has more info.

What is a life estate?

It gives you the right to live at the property until you die. The Grantee has the right to the property after that.

❖ Without a life estate, you have no legal right to the property after signing the deed and giving it to the Grantee.

If you have a life estate, you have some duties towards the Grantee. Example: you cannot destroy the property.

Should I keep a life estate?

Some **advantages** of one are:

- You control the property until death.

- If you qualified before for the tax exemption program, you will still be eligible.
- The property passes automatically upon your death. No one needs to probate your estate.
- There may be tax advantages. Talk to a tax advisor.

Some **disadvantages** are:

- If you get Medicaid, the State would have a lien on some of your estate after your death.
- The Grantee does not have full ownership and control until you die.
- You are responsible until death for property taxes, insurance, and so on.

❖ Deciding if you should keep a life estate can be hard. It can have many consequences. If you expect to get Medicaid, **talk to a lawyer before deciding.**

How do I fill out the quitclaim deed?

This packet has

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

You should type or print clearly. Use black ink. **THE GRANTOR/S MUST SIGN THE DEED IN FRONT OF A NOTARY PUBLIC.**

"When Recorded Return to" – Put the Grantor's name and address.

THE GRANTOR(S) – Put the full name(s) of the person/selling or gifting the property. If it

is community property, you must name both spouses/domestic partners.

"And in consideration of" – This is what the Grantor is getting out of the deal. Put the sale amount. If this is a gift, put "one dollar and love and affection."

GRANTEE(S) - Put the full name of the person/s getting the property. If the property is going to a married couple or domestic partners, put both names. If this is a gift to one spouse/partner only, put the one person's name. Then put "as her/his separate property."

County of- Put the county where the property is located.

Legal Description – Put the property's complete legal description and tax parcel number. You can find these to copy on property tax forms or as the mortgage or deed of trust. If the Grantor will keep a life estate, put "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 the portion of any property belonging to any Grantor who does not sign. If the property is community property, both spouses/domestic partners must be Grantors and sign the deed.

❖ You can fill out the deed before you go to a Notary Public. **THE GRANTOR MUST SIGN IT IN FRONT OF A NOTARY PUBLIC.**

We have signed the completed form in front of a Notary Public. What now?

First, the Grantor must "deliver" the deed to the Grantee. Hand-delivery is easiest.

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

You should also "record" the deed. You file it with the county where the property is located. This

- Makes it part of the public record.
- Protects the Grantee.

There is a small fee to record the deed.

❖ You must also file an excise tax affidavit. See next section.

I am quitclaiming my property to someone. Will I have to pay taxes?

Maybe. Within 30 days after transferring property, you must file a Real Estate Excise Tax affidavit with the county auditor. The affidavit must

- List any sale price
- Be signed and filed even if this was a gift and no excise tax is assessed

The Auditor will determine if any excise tax is due. For more info, or to get an affidavit form, call the auditor of the county where the property is located.

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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EXAMPLE

WHEN RECORDED RETURN TO:
John Smith
P.O. Box 320
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

Reference 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.

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 ID Number: _____ Reference 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.

NOTARY PUBLIC in and for the State of Washington,

Residing at _____

My commission expires _____