

Understanding Property Deeds

Virginia - DC - Maryland

A Comprehensive Guide

for Real Estate Professionals

Prepared by:

Pruitt Title, LLC

Vienna, Virginia

Will Rapuano, Account Executive

wrapuano@pruitt-title.com

© 2025 Pruitt Title, LLC

Underwritten by First American Title Insurance Company

Table of Contents

Introduction	3
Common Deed Types	4
- General Warranty Deed	4
- Special Warranty Deed	5
- Quitclaim Deed	6
- Deed of Trust	7
- Transfer on Death Deed	8
- Life Estate Deed	9
- Sheriff's/Trustee's Deed	10
Comparison Table	11
Jurisdiction-Specific Requirements	12
Best Practices	13
Common Questions	14

Introduction

This guide provides real estate professionals and property owners with essential information about the different types of property deeds used in Virginia, the District of Columbia, and Maryland. Understanding these distinctions is crucial for protecting your clients and ensuring smooth real estate transactions across the DMV area.

What is a Property Deed?

A property deed is a legal document that transfers ownership of real property from one party (the grantor) to another (the grantee). The type of deed used in a transaction determines the level of protection and warranties provided to the buyer regarding the property's title.

1. General Warranty Deed

Description

The general warranty deed offers the highest level of protection to the buyer. The seller (grantor) guarantees that they hold clear title to the property and have the right to sell it. This deed includes comprehensive warranties covering the entire history of the property, not just the period during which the current owner held title.

Warranties Included

- Covenant of Seisin: The grantor owns the property and has the right to convey it
- Covenant Against Encumbrances: No undisclosed liens, easements, or encumbrances exist
- Covenant of Quiet Enjoyment: The grantee's possession will not be disturbed
- Covenant of Warranty: The grantor will defend the title against all claims
- Covenant of Further Assurances: The grantor will take steps to perfect the title

Common Uses

- Most residential real estate transactions
- Arms-length sales between unrelated parties
- Transactions where the buyer requires maximum protection

Jurisdiction Notes

- Virginia: Most commonly used deed type for residential sales
- DC: Standard deed for most property transfers
- Maryland: Preferred deed type, offering full title protection

2. Special Warranty Deed

Description

A special warranty deed provides limited protection to the buyer. The seller warrants against title defects only during the period they owned the property, not for the entire chain of title. This deed protects against claims arising from the seller's actions but not from previous owners.

Warranties Included

- Grantor has not encumbered the property during their ownership (except as disclosed)
- Grantor will defend against claims arising during their period of ownership only

Common Uses

- Commercial real estate transactions
- Bank-owned properties (REO sales)
- Estate sales and trustee sales
- Corporate transfers
- Properties with complex title histories

Jurisdiction Notes

Virginia: Commonly used in commercial transactions and foreclosure sales
DC: Frequently used for commercial properties and institutional transfers
Maryland: Often used by lenders, trustees, and executors

3. Quitclaim Deed

Description

A quitclaim deed transfers whatever interest the grantor has in the property without any warranties or guarantees. The grantor makes no promises about the quality of title or even whether they own the property. This deed offers the least protection to the buyer.

Warranties Included

- None. The deed transfers only the interest the grantor possesses, if any.

Common Uses

- Transfers between family members
- Divorce settlements
- Adding or removing a spouse from title
- Clearing title defects or clouds on title
- Transfers to or from trusts
- Correcting errors in previous deeds

WARNING: Important Notice

Quitclaim deeds should be used with caution in arms-length transactions. Buyers receive no protection against title defects, liens, or claims. Title insurance companies may refuse coverage or require extensive underwriting.

4. Deed of Trust

Description

A deed of trust is not a conveyance deed but rather a security instrument used in mortgage financing. It transfers legal title to a trustee who holds it as security for a loan. When the loan is paid off, the trustee reconveys the property to the borrower.

Parties Involved

- Trustor: The borrower/property owner
- Beneficiary: The lender
- Trustee: A neutral third party who holds legal title

Common Uses

- Securing mortgage loans
- Refinancing transactions
- Home equity lines of credit

Jurisdiction Notes

Virginia: Deed of trust state; foreclosures can be non-judicial

DC: Uses deeds of trust; foreclosures are non-judicial with notice requirements

Maryland: Uses deeds of trust; foreclosures typically judicial but non-judicial available

5. Transfer on Death (TOD) Deed

Description

A transfer on death deed allows a property owner to designate beneficiaries who will automatically receive the property upon the owner's death, avoiding probate. The owner retains full control during their lifetime and can revoke or change the deed at any time.

Key Features

- Does not transfer ownership until death
- Revocable during the owner's lifetime
- Avoids probate
- Does not affect Medicaid eligibility during the owner's lifetime

Jurisdiction Notes

Virginia: Authorized under Virginia Code § 64.2-621 et seq. (effective 2013)
DC: Authorized under DC Code § 19-604.01 et seq. (effective 2011)
Maryland: Not currently authorized (as of 2025)

6. Life Estate Deed

Description

A life estate deed divides property ownership into two interests: a life estate (the right to use the property during one's lifetime) and a remainder interest (ownership that takes effect after the life tenant's death).

Parties Involved

- Life Tenant: Has the right to use and occupy the property during their lifetime
- Remainderman: Receives full ownership when the life tenant dies

Key Features

- Life tenant cannot sell the property without remainderman's consent
- Avoids probate for the remainder interest
- May affect Medicaid eligibility
- Property receives step-up in basis for tax purposes

Common Uses

- Estate planning to avoid probate
- Medicaid planning (with caution and proper timing)
- Ensuring property passes to specific heirs

7. Sheriff's Deed / Trustee's Deed

Description

These deeds are issued following foreclosure sales or court-ordered sales. A sheriff's deed results from a judicial foreclosure, while a trustee's deed results from a non-judicial foreclosure under a deed of trust.

Key Features

- Conveys only the interest the foreclosed party had
- Limited or no warranties
- May be subject to redemption rights in some jurisdictions
- Buyer should obtain title insurance

Common Uses

- Foreclosure sales
- Tax sales
- Court-ordered sales

Comparison Table: Deed Types by Protection Level

Deed Type	Protection	Warranties	Common Use
General Warranty	Highest	Full title history	Residential sales
Special Warranty	Moderate	Grantor period only	Commercial, REO
Quitclaim	None	No warranties	Family transfers
Deed of Trust	N/A	Security instrument	Mortgage financing
TOD Deed	Varies	Depends on type	Estate planning
Life Estate	Varies	Depends on type	Estate planning
Sheriff's/Trustee's	Low	Limited/none	Foreclosure sales

Best Practices for Real Estate Professionals

Understand the Transaction Context

The appropriate deed type depends on the relationship between parties, transaction type, and level of protection required.

Recommend Title Insurance

Always advise clients to obtain title insurance, especially with special warranty deeds or quitclaim deeds.

Review Title Commitments Carefully

Identify exceptions and exclusions that may affect the buyer's interests.

Coordinate with Title Companies

Work with experienced title professionals to ensure proper deed preparation and execution.

Educate Clients

Explain the differences between deed types and their implications for title protection.

Verify Recording

Ensure deeds are properly recorded to establish priority and provide constructive notice.

Common Questions

Q: Can I use a quitclaim deed for a regular home sale?

A: While legally permissible, it's not recommended. Buyers receive no protection against title defects, and obtaining title insurance may be difficult or impossible.

Q: What's the difference between a deed and a title?

A: A deed is the physical document that transfers ownership. Title is the legal concept of ownership rights. You receive a deed; you hold title.

Q: Do I need a lawyer to prepare a deed?

A: While not always legally required, it's highly recommended. Improper deed preparation can create title defects, tax issues, and legal complications.

Q: Can I change a deed after it's been recorded?

A: You cannot change a recorded deed. You must execute and record a new deed to correct errors or modify ownership.

Conclusion

Understanding the different types of property deeds is essential for protecting your clients and ensuring successful real estate transactions across Virginia, DC, and Maryland. Each deed type serves specific purposes and offers varying levels of protection.

When in doubt, consult with experienced title professionals who understand the nuances of real estate law in each jurisdiction. Pruitt Title is here to help you navigate these complexities and provide exceptional title services throughout the DMV area.

For More Information

Pruitt Title, LLC

Vienna, Virginia

Will Rapuano, Account Executive

wrapuano@pruitt-title.com

dmvtitleguy.io

This guide is for informational purposes only and does not constitute legal advice. Real estate laws and practices vary by jurisdiction and change over time. Always consult with qualified legal and title professionals for specific transactions.