

Indiana Legal Services, Inc

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Quitclaim Deeds

What is a Quitclaim Deed?

A Quitclaim Deed is an easy way to transfer title to real estate property (such as a home or land) from one party to another. The person who owns the property signs the Quitclaim Deed stating who will now have legal title to the property. The Quitclaim Deed must be notarized, and then recorded at the County Recorder's office.

My friend says she is going to Quitclaim her house to me. But I think her dad might also be on the title to the house. If she Quitclaims the house to me, do I own it?

If your friend signs a Quitclaim Deed giving you her legal rights in the home, you will have only whatever legal rights she had. If her dad is also on the title, then you and her dad will both be on the title now.

A Quitclaim Deed transfers only whatever ownership in property the person doing the Quitclaim Deed has. For example, if someone has no legal ownership in a house, and that person signs a Quitclaim Deed saying you now have ownership, you have nothing. A person can't transfer legal ownership in a house if that person didn't own it to begin with.

What is the difference between a Deed and a Title?

A deed transfers title (ownership) from one party to another. Title shows who the legal owners of a property are. You thus can use a Quitclaim Deed to change who has the title to the property.

What does a Quitclaim Deed include?

A Quitclaim Deed includes the name or names of the old and new owners of the property, a legal description of the property, signatures of the old owners of the property, the date the deed is being signed, and notarization by a notary public. It is very important to have the correct legal description of the property in the Quitclaim Deed.

If I sign a Quitclaim Deed giving my soon to be ex-husband the title to our home, does that mean I am no longer responsible for the mortgage?

No, it does not mean that. If your name is on the mortgage, you will still be legally responsible for the mortgage even if you sign a Quitclaim Deed giving title to your soon to be ex-husband. The

only way for you to get out of being legally responsible for the mortgage is for your soon to be ex-husband to refinance the mortgage in his name only.

It is not unusual in a divorce order for one party to sign a Quitclaim Deed to the other party. The party who is keeping title to the home is then generally responsible for the mortgage. However, if that person doesn't make the mortgage payments, the mortgage company can go after either party (assuming both parties were on the mortgage).

Another option is for the spouse keeping the home to refinance the home in his name alone so you are no longer on the mortgage, and then you sign the Quitclaim Deed giving him your legal rights in the home.

In our divorce, I signed a Quitclaim Deed to my ex-wife and she was supposed to make the mortgage payments. She didn't, and the mortgage company has come after me. What can I do?

Because you signed a Quitclaim Deed, you no longer have ownership in the house but you are still financially responsible for the mortgage payments as long as your name was on the mortgage.

If the divorce court ordered her to make the mortgage payments, you can take her back to the divorce court and ask that she be ordered to make the payments (or reimburse you if you have made the payments).

You could also ask her to refinance the home in her name only so that you will no longer be financially responsible for the home. (If she isn't making payments, however, she may have a hard time refinancing).

I would like to add my brother's name to the title of my home. How can I do that?

You can do a Quitclaim Deed for the property, deeding it from you to you and your brother. Be aware that if you do this, your brother is a legal owner of the home and you won't be able to sell the property without his agreement.

My former boyfriend wants me to sign a Quitclaim Deed giving him the house we bought together. Should I do this?

You will have to make this decision. Keep in mind that if you sign the Quitclaim Deed giving him your legal rights in the home, you no longer have any legal rights to the home but you can still be financially responsible for the mortgage if your name is on the mortgage.

Another option is for your boyfriend to refinance the home in his name alone so you are no longer on the mortgage, and then you sign the Quitclaim Deed giving him your legal rights in the home.

I signed a Quitclaim Deed giving my house to my son, and now I have changed my mind. Can I cancel the Quitclaim Deed I signed?

No, you cannot cancel the Quitclaim Deed you signed. If your son agrees to give the home back

to you, he can sign another Quitclaim Deed giving the house back to you. However, if he does not agree to give the home back to you, there is nothing you can do to cancel the Quitclaim Deed.

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