

Bill No.: HB0160 **Effective:** 7/1/2015

LSO No.: 15LSO-0154

Enrolled Act No.: HEA 68

Chapter No.: 106

Prime Sponsor: Brown

Catch Title: Special warranty deeds.

Subject: Creation of special warranty deed and its legal effect

Summary/Major Elements:

- This bill creates a new type of deed called a special warranty deed. Prior to this bill, there were only warranty deeds and quitclaim deeds in Wyoming statute.
- The bill provides a form for a special warranty deed that is similar to warranty deeds and quitclaim deeds already in statute.
- The legal effect of a special warranty deed is to convey real property to the grantee with a limited covenant that:
 - The granted property is free from all encumbrances made by that grantor; and
 - The grantor will forever warrant and defend the title of the property in the grantee, the grantee's heirs and assigns against any lawful claim and demand of the grantor and any person claiming or to claim by, through, or under the grantor, but against none other.
- The major difference between a special warranty deed and a general warranty deed is the scope of the assurances the grantor gives to the grantee and the grantee's successors regarding the title being conveyed. A special warranty deed only warrants against encumbrances made by the grantor. Generally, the legal effect of a quitclaim is a conveyance and release to the grantee, his heirs and assigns, of all the then existing legal or equitable rights of the grantor in the premises. W.S. 34-2-105.

The above summary is not an official publication of the Wyoming Legislature and is not an official statement of legislative intent. While the Legislative Service Office endeavored to provide accurate information in this summary, it should not be relied upon as a comprehensive abstract of the bill.