



Warranty and Quit Claim Deeds

A deed is a legal paper that documents transactions made for a piece of real property (land). The type of deed filed indicates the purpose of the transaction. Both warranty and quit claim deeds transfer property from one owner to another. (to decide which deed should be used, consult an attorney). Other types of deeds, such as security deeds for filing a lien on property, are also used.

A deed does not have to be filed in the Clerk of Court's office to be legal; however, having a deed filed can be a protection for the owner of the property.

Usually an attorney prepares the deed, but an individual may also do it. If an individual wishes to type his/her own deed, he/she may request a blank deed form from the Clerk of Court's office. The individual may also wish to request a copy of the current legal deed on file in order to have a complete property description to use on the new deed.

NOTE: Warranty deeds are required to have transfer tax forms filed with the deed, whether money is transferred or not. Transfer tax forms may be completed online at www.gscga.org . (<http://www.gscga.org/efiling/pt61/default.asp>) Transfer tax is the tax paid on all property transferred where money is exchanged for that property. Currently, the tax charged is \$1 per every \$1,000 of money paid. Fifty cents of the tax goes to the County for each deed recorded; the rest of the tax goes to the State.

Once the deed is typed, the signature of the grantor must be witnessed and notarized before the deed can be filed in the Clerk of Court's office. A "grantor" is the individual deeding the property; that is, the current owner of the property who is selling to another person.

The Clerk of Court's office can help the individual in calculating the amount due for the filing, including filing fees and transfer tax. Currently, filing fees are \$10 for the first page and \$2 for each additional page. The original deed must be left with the Clerk of Court. Once a copy is filed, the original will be returned to the new owner. If the owner wishes, he/she may request a copy of the deed. The cost is .50 cents per page.