**Instructions for Warranty Deed**

**This is intended to be a general summary of the process for transferring certain real estate in Wyoming. This summary should not be relied upon as binding or as legal advice. The laws may have changed since the date these instructions were written. Each situation is different, and these instructions do not cover all of the possible variables or contingencies. You are strongly encouraged to consult with an attorney before attempting to prepare a Deed. Please contact the Majors Law Firm, P.C., if you would like to hire an attorney. Majors Law Firm, P.C., PO Box 2922, 125 S. King Street, Jackson WY 83001 (307) 733-4117,** [**www.wyomingcounsel.com**](http://www.wyomingcounsel.com)

1. A Warranty Deed is generally used to transfer real estate from a person(s) or entity to another person(s).
2. There are several different types of deeds in Wyoming, including:
	1. A general Warranty Deed. This type of deed is basically warrantying or guaranteeing that the person transferring the property is the legal owner of the property, has the right to transfer the property, and warrantying that they have good title to the property. This is the most common type of deed, particularly when the property is being sold.
	2. A Quitclaim Deed. This type of deed is basically stating that the person is conveying any and all interest he or she may have in the property to the recipient, but is not warrantying or guaranteeing that they have good title to the property. This type of deed may be appropriate when the person transferring the property is not receiving payment or consideration in exchange for executing the deed.
3. The person transferring the property is called the Grantor. The name or names of the person transferring the property should be listed below where it says Grantor(s). When listing out the Grantor(s), the names should typically be listed exactly as the names of Grantees on the previous deed were listed. For example, if John Edward Smith is the current owner of the property that is selling or transferring the property, you should look to see out John’s name was listed on the deed when he received or bought the property (as the Grantee) and list it exactly the same way on the new deed. For example, if the old deed stated John E. Smith, then the new deed to state John E. Smith. The name on the signature line and notary block should also be listed the same way.
4. You should check the box, indicating whether the Grantor is married, single, etc., and/or delete the inapplicable descriptions. This should also generally match what was listed on the old deed when the Grantor received the property.
5. You should list the address or addresses of the Grantors.
6. With regard to the consideration of $10.00 and other good and valuable consideration, this is customary language and typically does not need to be modified. For instance, if the property is being sold for $100,000.00, you don’t have to change the $10.00 amount to $100,000.00. This is basically inferred as $10.00 plus other consideration of $99,990.00. The specific amounts are left out to keep this information private, since the deed will be of public record.
7. The person receiving the property is called the Grantee. The name or names of the person receiving the property should be listed below where it says Grantee(s).
	1. You would list out the names of the new owners as they would like it listed on the deed.
	2. You would then check the appropriate line as to whether he or she is married or single, husband and wife, etc.
		1. If the person is married and the spouse is not going to have an interest in the real estate, you would likely want to check the “as sole and separate property” box.
		2. If the Grantees are married and they are going to co-own the property, you would likely want to check the “as husband and wife as tenants by the entireties.” This basically means that if one spouse passes away, the other spouse becomes the sole owner of the property.
		3. If more than one person is going to own the property and they are not husband and wife, the other common options for ownership are:
			1. Joint tenants with right of survivorship. This means that if one of the owners dies, the other surviving owner(s) receive the deceased owner’s share, regardless of what the deceased owner’s Will may state.
			2. Tenants in common. This means that the deceased owner’s share does not go to the surviving co-owners, but instead is distributed in accordance with the deceased owner’s Will, or if the deceased owner did not have a Will, then in accordance with intestacy laws which generally indicates that the deceased owner’s interest goes to his or her next of kin.
			3. If the property is going to be owned as tenants in common or as joint tenants with right of survivorship, you would typically state the percentage that each owner will own. For instance, “an undivided 50% interest to John E. Smith and an undivided 50% interest to Robert A. Smith.”
	3. **The manner in which the property is titled is very important and can have significant legal ramifications, implications, or restrictions. It is very important that you consult with an attorney prior to preparing a deed, to ensure that the Deed is completed correctly.**
8. If the Grantor or Grantee is a business, you would typically state the name and type of business. For instance: Smith, LLC, A Wyoming Limited Liability Company; or Smith, Inc., A Nevada Corporation.
9. If the Grantor or Grantee is a trust, you would typically state the: name of the Trustees(s); name of the Trust; and date of the Trust. For instance: John E. Smith, as Trustee of the John E. Smith Revocable Living Trust, dated January 1, 2000, and any amendments thereto.
10. List out the address or addresses or the Grantee.
11. Identify the county in which the real estate is located.
12. With regard to the legal description, you can generally copy and paste the legal description from the previous deed into the new deed. It is very important that the legal description be listed correctly. If the legal description is long, you can state “See Exhibit A” and attach the legal description as an Exhibit A.
13. Some counties may have a parcel identification number or PIDN or PIN. If the old deed lists a PIDN, you should just be able to copy and paste the same PIDN on the new deed.
14. Each Grantor should sign the deed before a notary public.
	1. If there is more than one Grantor, you should make a signature line and notary block for each Grantor.
	2. If the Grantor is a trust, you would typically list out the name of the Trust and the trustee(s) would sign. For instance, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, John E. Smith, as Trustee of the John E. Smith Revocable Living Trust, dated January 1, 2000, and any amendments thereto.
	3. If the Grantor is a business entity, typically the Manager(s), or Officer(s)who have the authority to execute the Deed on behalf of the business entity would sign. For instance, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, John E. Smith, as Manager of Smith, LLC, A Wyoming Limited Liability Company. Or, \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_, John E. Smith, as President of Smith, Inc., A Nevada Corporation.
15. Once the deed is signed, you will need to record the original in the County Clerk of Recorder’s Office where the real estate is located. You can record the deed by going to the County Clerk’s office or mailing in the deed. You may want to call the County Clerk’s office before recording to make sure you do everything correctly.
	1. The recording fee is typically $12.00 for the first page and $3.00 for each additional page, though it could be more if there are a lot of Grantees or there are multiple pieces of land involved.
	2. You will likely need to provide a self-addressed stamped return envelope for the County to return the deed after recording.
	3. You will need to complete a Statement of Consideration and provide it to the County when recording the deed. The Statement of Consideration is basically used by the County to keep track of the amount that property is bought and sold for, for property tax valuation purposes. This should be completed and signed by the Grantee, or on behalf of the Grantee.