



Chris Griswold, P.C.

News From the Firm

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Message From Chris....

Just the other day, my little girl, Mackenzie (just turned 3 this August!), locked herself in our bathroom. After a couple of minutes, I was able to get the scared child out. The hero's welcome I received felt good. It's funny how the smallest things mean volumes to children. Same thing with the law.... A better understanding of the smaller details found in documents can set you free and empower you. Accordingly, this month, I want to explain, in laypersons' terms, the meaning of certain, cryptic legal terms often found in your average deed to real property. See more below (and don't forget to click on my Facebook or YouTube links below to also see my short video on this material).

Defining Legal Language found in Deeds

Sooner or later, we all have to read or examine a deed. Whether it's a general warranty deed, a special warranty deed or a quitclaim deed - they all have certain terms contained within them that make the average non-lawyer want to retain counsel. Some of these terms are:

Consideration: No contract is valid without consideration and a deed, which recites promises exchanged between the parties to the deed, requires that consideration be exchanged. It's important to note that unless a deed is passing to one's family member on the basis of "love and affection" as the sole form of consideration to be paid, all other deeds must recite that at least ten and no/100 Dollars (\$10.00) was given in exchange for and in consideration of such deed (\$1 for automobiles). For privacy reasons, parties usually elect not to recite the actual amount of consideration paid for the property in excess of the \$10 recitation requirement. By law, a deed (a written document) is presumptive evidence that consideration was in fact exchanged by the parties (unless proved otherwise in Court).

Heirs, Executors, Administrators: These are usually found in the deed as running to the grantee's "...heirs, executors and administrators," although not necessarily in that exact order. "**Heirs**" are persons that are to expressly inherit stuff under the grantee's Last Will and Testament. They can be anyone. "**Heirs at law**" are people that take under a Will by law pursuant to intestate succession (i.e., the person died without a Will so the law sets forth that certain persons, usually family members, inherit pursuant to a certain order). "**Executors**" are people who serve as the decision maker of the grantee's estate pursuant to express statements found within the grantee's Last Will and Testament. "**Administrators**" are people who do the same job but are appointed by the probate court to be the decision maker since the grantee died without a Will.

Tenements, Hereditaments. This is additional stuff that a grantee gets under a deed. "**Tenements**" mean the property/fee estate itself which is to be held by grantee (although people sometimes think it means the structure(s) on the property/fee estate (which is okay since these are actually "improvements" which also go to grantee)). "**Hereditaments**" are anything capable of being

inherited by grantee's heirs (whether by or through a Will or through intestacy). This includes both tangible hereditaments (which are hard, identifiable things like the land itself, buildings and fixtures) and intangible hereditaments (things which aren't tangible, like easements, rents, etc... that run with the land).

What My Clients Are Saying

“Chris Griswold has always been proactive and professional. He takes the time to work with us and tailors his approach to our situational needs. My favorite thing about Chris is that he will let me know if there is an easier, less-expensive approach. We look forward to working with him well into the future.”

Carl S. Milam / President / Western Concepts Restaurant Group / OKC, Oklahoma

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