

Form: Special warranty deed with lien for owelty to transfer real property in a divorce proceeding

# PREVIEW

## SPECIAL WARRANTY DEED WITH LIEN FOR OWELTY

DATE: [Date]

<b>GRANTOR:</b>	[Grantor Name]
<b>GRANTOR'S MAILING ADDRESS (including county)</b>	[Address]
<b>GRANTEE</b>	[Grantee Name]
<b>GRANTEE'S MAILING ADDRESS (including county)</b>	[Address]

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CONSIDERATION

The sum of [Amount Spelled Out] and no/100 dollars ([Amount]) and other consideration which is good and valuable paid from Grantee to Grantor, which receipt and sufficiency are hereby acknowledged and:

(a) the assumption by Grantee and Grantee's agreeing to pay all of the unpaid principal and interest on that certain note entered into by Grantor and Grantee in the original principal sum of [Amount], which now was to be paid to the order of [Original Note Payable To], dated [Date], and which note was made secure by the execution of a deed of trust by Grantor and Grantee encumbering the property and

# THIS DOCUMENT

(b) Grantee's indemnification of Grantor holding Grantor harmless from any liability for payment of the note and Grantee's assumption of any obligations by Grantor under the deed of trust or other instrument securing payment of the promissory note and

(c) the delivery of a Real Estate Lien Note executed by Grantee to Grantor on [Date] in the principal sum of [Amount], made payable to the order of Grantor, made secure by a lien for owelty created herein and additionally made secure by a deed of trust executed by Grantee to the favor of [Trustee Name], Trustee.

### PROPERTY

# THANK YOU

A house and lot located in [Suit County] County, Texas, more commonly known as [Common Description], and specifically described as:

[Legal Description]

### RESERVATIONS FROM AND EXCEPTIONS TO CONVEYANCE AND WARRANTY

Grantor expressly reserves reservation for answelty lien on the entirety of the property a [Common Description] and to its full fee simple title until the Real Estate Lien Note payable to Grantor has

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been fully paid. This deed remains subject to all such easements, conditions, covenants or other recorded instruments.

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Grantor, in exchange for the consideration stated herein and subject to the reservations from and exceptions to conveyance and warranty, does grant, sell, and convey to Grantee the property described herein located at [Common Description], together with all and singular the rights and appurtenances thereto in any wise belonging, to have and to hold it to Grantee, Grantee's heirs, executors, administrators, successors, or assigns forever. Grantor binds Grantor and Grantor's heirs, executors, administrators, successors, and assigns against each and every person whomsoever may lawfully claim or to make claim against the same or any of its parts, except as to the reservations from and exceptions to conveyance and warranty, at any time when the claim is by, through, or under Grantor but not in any other way.

As may be required by the context of the language, any singular noun or pronouns inclusive of the plural.

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Grantor's assignment to Grantee of casualty insurance upon the property and all of said funds now deposits for utilities, payment of taxes and insurance premiums at the [Common Description].

Grantor makes assumption of all ad valorem taxes which are owed on [Common Description] for this current year.

Grantor and Grantee are owners jointly of the property located at [Common Description] by virtue of a deed dated [Date], and which is recorded in [Volume and Page] Deed Records of [Suit County] County, Texas. The property located at [Common Description] cannot be partitioned in kind, and to permit Grantee's acquisition of the full fee simple title in and to the property at [Common Description], there must be a lien affixed upon the entirety of the property at [Common Description] as security for [Amount], which sum represents an owelty of partition and the adjustments as may necessary between the parties to this Deed to partition the property at [Common Description]. Grantee makes specific acknowledgment that said lien or owelty or partition supersedes Grantee's rights of use and occupancy of the property at [Common Description] as the homestead of Grantee's or otherwise, as fully and completely as if said lien or owelty of partition were affixed and decreed by a court of competent jurisdiction in a subsequent partition action between the parties to this Deed.

# THIS DOCUMENT

Grantee makes joinder to the execution of this Deed for the purpose of accepting its delivery and to acknowledge the validity of the deed of trust lien and lien for owelty created herein on the [Common Description] and to acknowledge the validity of the priority and superiority of those liens to any right of use, occupancy, and homestead that Grantee may have, hold, or claim in and to the property located at [Common Description].

# THANK YOU

\_\_\_\_\_  
[Petitioner Name], GRANTOR

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[Respondent Name], GRANTEE

# PREVIEW

State of Texas

County of \_\_\_\_\_

On [Date], this Warranty Deed was acknowledged before me by [Petitioner Name].

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's typed or printed name  
My commission expires: \_\_\_\_\_

# PLEASE DO NOT COPY

[or Notary's Stamp]

On [Date], this Warranty Deed was acknowledged before me by [Petitioner Name].

State of Texas

County of \_\_\_\_\_

This instrument was acknowledged before me on \_\_\_\_\_ by

# THIS DOCUMENT

\_\_\_\_\_  
Notary Public, State of Texas

\_\_\_\_\_  
Notary's typed or printed name

My commission expires: \_\_\_\_\_

[or Notary's Stamp]

WHEN RECORDED RETURN TO

# THANK YOU

[Attorney's Firm]

[Address]