

DEEDS, FORMAT AND LANGUAGE
Act of Apr. 1, 1909, P.L. 91, No. 53
AN ACT

CL. 68

Relating to deeds for conveying or releasing lands, construing words and phrases used therein, and prescribing a form of deed and acknowledgment which may be used for conveying or releasing lands.

Section 1. Be it enacted, &c., That from and after the approval of this act, in any deed or instrument in writing for conveying or releasing land hereafter executed, unless expressly limited to a lesser estate, the words "grant and convey," or either one of said words, shall be effective to pass to the grantee or grantees named therein a fee simple title to the premises conveyed, if the grantor or grantors possessed such a title, although there be no words of inheritance or of perpetuity in the deed.

(1 amended Apr. 30, 1925, P.L.404, No.241)

Section 2. All deeds or instruments in writing for conveying or releasing land hereafter executed, granting or conveying lands, unless an exception or reservation be made therein, shall be construed to include all the estate, right, title, interest, property, claim, and demand whatsoever, of the grantor or grantors, in law, equity, or otherwise howsoever, of, in, and to the same, and every part thereof, together with all and singular the improvements, ways, waters, watercourses, rights, liberties, privileges, hereditaments, and appurtenances whatsoever thereto belonging, or in anywise appertaining, and the reversions and remainders, rents, issues, and profits thereof.

(2 amended Apr. 30, 1925, P.L.404, No.241)

Section 3. That the words "grant and convey," or either one of said words, in any deed or instrument in writing for conveying or releasing land hereafter executed, shall be adjudged an express covenant to the grantee, his heirs and assigns; to wit, that the grantor was seized of an indefeasible estate in fee simple in the property conveyed, freed from incumbrances done or suffered from the grantor, as also for quiet enjoyment against the grantor, his heirs and assigns, unless limited by express words contained in such deed.

(3 amended Apr. 30, 1925, P.L.404, No.241)

Section 4. That a covenant or agreement by the grantor or grantors, in any deed or instrument in writing for conveying or releasing land that he, they, or it "will warrant generally the property hereby conveyed," shall have the same effect as if the grantor or grantors had covenanted that he or they, his or their heirs and personal representatives or successors, will forever warrant and defend the said property, and every part thereof, unto the grantee, his heirs, personal representatives and assigns, against the lawful claims and demands of all persons whomsoever.

(4 amended Apr. 30, 1925, P.L.404, No.241)

Section 5. That a covenant or agreement by the grantor or grantors in any deed or instrument in writing for conveying or releasing land that he, they, or it "will warrant specially the property hereby conveyed," shall have the same effect as if the grantor or grantors had covenanted that he or they, his or their heirs and personal representatives or successors, will forever warrant and defend the said property, and every part thereof, unto the said grantee, his heirs, personal representatives and assigns, against the lawful claims and demands of the grantor

or grantors, and all persons claiming or to claim by, through, or under him or them.

(5 amended Apr. 30, 1925, P.L.404, No.241)

Section 6. That whenever, in any deed or instrument in writing for conveying or releasing land, there shall be used the words "release and quit claim," such deed or instrument in writing or conveying or releasing land shall be construed as if it set forth that the grantor or grantors hath or have remised, released, and quit-claimed, and by these presents doth or do remise, release, and forever quit-claim, unto the grantee, his heirs and assigns, all right, title, interest, property, claim, and demand whatsoever, both in law and in equity, in or to the lands or premises released, or intended so to be, so that neither the grantor or grantors, nor his or their personal representatives, his or their heirs or assigns, shall, at any time thereafter, have, claim, challenge, or demand the said lands and premises, or any part thereof, in any manner whatever.

(6 amended Apr. 30, 1925, P.L.404, No.241)

Section 7. That the form of deed for conveying or releasing lands may be in the following words:

THIS DEED

Made the day of in the year nineteen hundred and, between, (Here insert name or names and residence of grantor or grantors), and, (Here insert name or names and residence of grantee or grantees);

Witnesseth, That in consideration of dollars, in hand paid, the receipt whereof is hereby acknowledged, the said grantor do hereby grant and convey (or release and quit-claim) to the said grantee, all

.....
(Here give location and description of property conveyed or released, with recital of title if desired.) (If reservations, exceptions, or special conditions, insert same here.) (If covenants of general or special warranty, insert same here.)

In witness whereof, said grantor ha hereunto set hand, the day and year first above written.

.....(seal)

.....(seal)

Signed and delivered in the

presence of

.....

.....

(7 amended Apr. 30, 1925, P.L.404, No.241)

Section 8. That the form of certificate of acknowledgment of individuals (single or married) of any deed may be in the following words:

(State) Commonwealth of Pennsylvania,

ss:

County of

On this day of A. D. 19.....,

before me, a in and for, came
the above named and
acknowledged the foregoing deed to be act and
deed, and desired the same to be recorded as such.
Witness my hand and seal, the day and year
aforesaid.
(Seal)

.....
.....
(Official character.)

My commission expires
(8 amended Apr. 30, 1925, P.L.404, No.241)

Section 9. All deeds or instruments in writing for conveying or releasing lands made by any natural person, either in his individual capacity or as a fiduciary, duly signed by the grantors in the manner now provided by law, but with no seal affixed thereto, shall be deemed to be executed with the same force and effect in all respects as though a seal was affixed to the signature, and all such instruments in writing, signed by the grantors, but with no seal affixed thereto, shall be deeds for all purposes within the purview of all acts or parts of acts of Assembly relating to or concerning deeds for the conveyance or releasing of lands.

(9 added Apr. 30, 1925, P.L.404, No.241)

Section 10. (a) In counties adopting a uniform parcel identifier system under statutory provisions on parcel identification, all conveyances, mortgages or releases or other instruments affecting real estate included in the system may be made by reference to the uniform parcel identifier of the real estate being conveyed, mortgaged, released or otherwise affected as indicated on the recorded county tax maps. The first conveyance, mortgage, release or other instrument affecting real estate recorded after the adoption of an ordinance under the statutory provisions on parcel identification shall contain the uniform parcel identifier assigned to the parcel or parcels affected by such instrument. Thereafter, the first conveyance after a change of size and description of real estate represented by a uniform parcel identifier shall contain, in addition to the uniform parcel identifier assigned to the parcel, or parcels affected by the instrument, either:

(1) A metes and bounds description based on a precise survey; or

(2) A lot number and reference to a recorded subdivision plan which plan on its face shows metes and bounds prepared by a professional land surveyor as required by the act of May 23, 1945 (P.L.913, No.367), known as the "Professional Engineers Registration Law." Any subdivision plan which was prepared prior to the effective date of the aforesaid "Professional Engineers Registration Law," which contains metes and bounds, shall be acceptable for compliance with these provisions, except that no requirement for metes and bounds description by survey or subdivision plan shall be necessary for any conveyance, transfer, mortgage, release or other purpose involving a right-of-way, surface or subsurface easement or oil, gas or mineral lease or other interest or any subsurface estate. Further, as to any mortgages recorded which seek to grant an interest in real estate which real estate has not obtained a parcel identifier, the failure to refer to the uniform parcel identifier for each such interest or the failure to include a deed reference for each such interest shall not affect the lien of such mortgage.

(b) Any subsequent conveyance, mortgage, release or other instrument affecting real estate so made by reference to the uniform parcel identifier and the record location where the metes and bounds description or first number and reference to a recorded plot plan last appears shall be as effective to pass title or affect title to the real estate so described as it would be if the premises had been described by the metes and bounds description used in the first instrument so recorded or appearing in the recorded subdivision plan.

(c) The uniform parcel identifier, the recorded tax map or record thereof or the recorded subdivision plan shall be received in evidence and in all courts and places as describing the real estate therein designated as though the same were set forth in full as appearing in the first conveyance, mortgage, release or other instrument or as shown on the recorded subdivision plan.

(10 added Jan. 15, 1988, P.L.6, No.3)