



San Juan County Assessor

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GUIDELINES FOR CHANGING ASSESSOR'S RECORDS OF TITLE OWNERSHIP FOR REAL PROPERTY

Changing the name of the holder of record title of real property requires a RECORDED deed which CONVEYS the property from Grantor to Grantee. See RCW 64.04.010. The assessor's office records will show the owner as the person who is the grantee under the last recorded deed. Every deed must include a complete legal description of the real property. There are many different forms of deeds used to convey real property. The following are three examples of the most common instruments of conveyance:

Quit Claim Deed: This is a conveyance of any right, title, and interest the grantor has at the time of conveyance. There are no warranties of ownership, past, present, or future, connected with this type of deed, and it will not serve to pass after-acquired title to the property.

Bargain and Sale Deed: This is a conveyance where the grantor warrants that the grantor has title, that the grantor has not encumbered the title, and that the grantee will have quiet enjoyment of that title.

Warranty Deed: In addition to the warranties found in the Bargain and Sale Deed, the grantor also warrants that the grantor has the right and power to convey title, and that the title is free from ALL encumbrances.

Both the Bargain and Sale Deed and the Warranty Deed serve to convey after-acquired title to the property described. This arises by implication even though not expressly stated in the language of the deed.

Co-Owned Title to Real Property: There are numerous ways co-owners of real property hold title, for instance: as Community Property, as Joint Tenants, or as Tenants in Common.

All of the above examples are to aid you in understanding some of the general principles regarding methods of transferring interest in real property.

We strongly advise you to seek the advice of an attorney to review your specific situation and needs before changing or updating your real property title ownership.

COURT ORDERS ARE NOT SUFFICIENT TO TRANSFER TITLE FOR COUNTY OWNERSHIP RECORDS

Dissolution of marriage orders* and probate orders designating a transfer of property interest have the effect of determining who is entitled to the property, but only a deed has the effect of transferring title to the property. An appropriate duly recorded deed must be provided to change ownership records.

TO CHANGE TITLE OWNERSHIP IN THE EVENT OF A MARRIAGE OR DISSOLUTION OF MARRIAGE

A duly recorded deed is required to change ownership records in the event of a marriage or dissolution of marriage*. A marriage certificate or dissolution of marriage agreement alone does not transfer or convey real property.

*A dissolution decree issued by a Washington State court prior to 2014 may effectively transfer title if the language of the decree does not specifically require a deed by one of the parties. (WAC 458-61A-303 requires a REET as of 3/31/14.)

TO CHANGE TITLE OWNERSHIP IN THE EVENT OF THE DEATH OF A SPOUSE

If the property was held under a transfer on death deed or as joint tenants with right of survivorship, ownership records will be changed to the surviving party upon delivery of 1) a duly recorded transfer on death deed or duly recorded joint tenants with right of survivorship deed; and 2) a certified copy of a death certificate.

If the property was held as community property, ownership records will be changed to the surviving party upon delivery of 1) a duly recorded community property agreement pursuant to RCW 26.16.120 that unambiguously identifies the property and classifies its status; 2) a certified copy of a death certificate; and 3) a title report showing the property is owned by the surviving party.

If there is any ambiguity or uncertainty in the identity of the property or characterization of the real property as community property as determined by the assessor's office, the name of the deceased will be changed to "Estate of" upon delivery of a certified copy of a death certificate. Ownership records will be changed to the name of the surviving spouse upon delivery of a duly recorded personal representative's deed.

An Affidavit of Lack of Probate or an Affidavit of Non-Probate or an Affidavit of Heirship also require: 1) a recorded Affidavit; 2) a certified copy of a death certificate; and 3) a title report showing the property is owned by the affiant(s) or heir(s).

If the property is held in the name of a trust and the deceased was a trustee, ownership records will be changed to identify the successor trustee(s) upon delivery of an affidavit of the successor trustee(s).

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