

2016 -- H 8001

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STATE OF RHODE ISLAND

IN GENERAL ASSEMBLY

JANUARY SESSION, A.D. 2016

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A N A C T

RELATING TO PROPERTY - FORM AND EFFECT OF CONVEYANCES

Introduced By: Representatives Craven, and Ackerman

Date Introduced: March 25, 2016

Referred To: House Judiciary

It is enacted by the General Assembly as follows:

1 SECTION 1. Chapter 34-11 of the General Laws entitled "Form and Effect of
2 Conveyances" is hereby amended by adding thereto the following sections:

3 **34-11-43. Effect of special warranty deed.** – A deed entitled "special warranty deed"
4 shall, when duly executed, have the force and effect of a deed in fee simple to the grantee and his
5 or her heirs and assigns, to his, her, and their own use, with covenants on the part of the grantor,
6 for himself or herself and for his or her heirs, executors and administrators, with the grantee and
7 his or her heirs and assigns, that he or she will, and his or her heirs, executors and administrators
8 shall, warrant and defend the granted premises to the grantee and his or her heirs and assigns
9 forever against the lawful claims and demands of all persons claiming by, through, or under the
10 grantor.

11 **34-11-44. Meaning of special warranty covenants.** – In any deed of conveyance of real
12 estate, the use of the words "special warranty" in the title of said deed, and/or use of the words
13 "special warranty covenants" in the body of said deed shall have the full force, meaning, and
14 effect of the following words: "The grantor, for himself or herself and for his or her heirs,
15 executors and administrators, covenants with the grantee and his or her heirs and assigns, that he
16 or she will, and his or her heirs, executors and administrators shall, warrant and defend the
17 granted premises to the grantee and his or her heirs and assigns forever against the lawful claims
18 and demands of all persons claiming, by, through, or under the grantor."

19 SECTION 2. This act shall take effect upon passage, and shall apply to all deeds, whether

- 1 recorded or unrecorded, with the words "special warranty" in their title, and/or the words "special
- 2 warranty covenants" in the body thereof.

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EXPLANATION
BY THE LEGISLATIVE COUNCIL
OF
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1 This act would authorize the filing of a "Special Warranty Deed" containing "special
2 warranty covenants" that would require grantors, their heirs, executors, and administrators to
3 defend against the lawful claims and demands of persons claiming by, through, or under the
4 grantor against grantees, their heirs, and assigns.

5 This act shall take effect upon passage, and shall apply to all deeds, whether recorded or
6 unrecorded, with the words "special warranty" in their title, and/or the words "special warranty
7 covenants" in the body thereof.

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