



**MICHIGAN LAND TITLE ASSOCIATION**

**Integrity ♦ Responsibility ♦ Service**

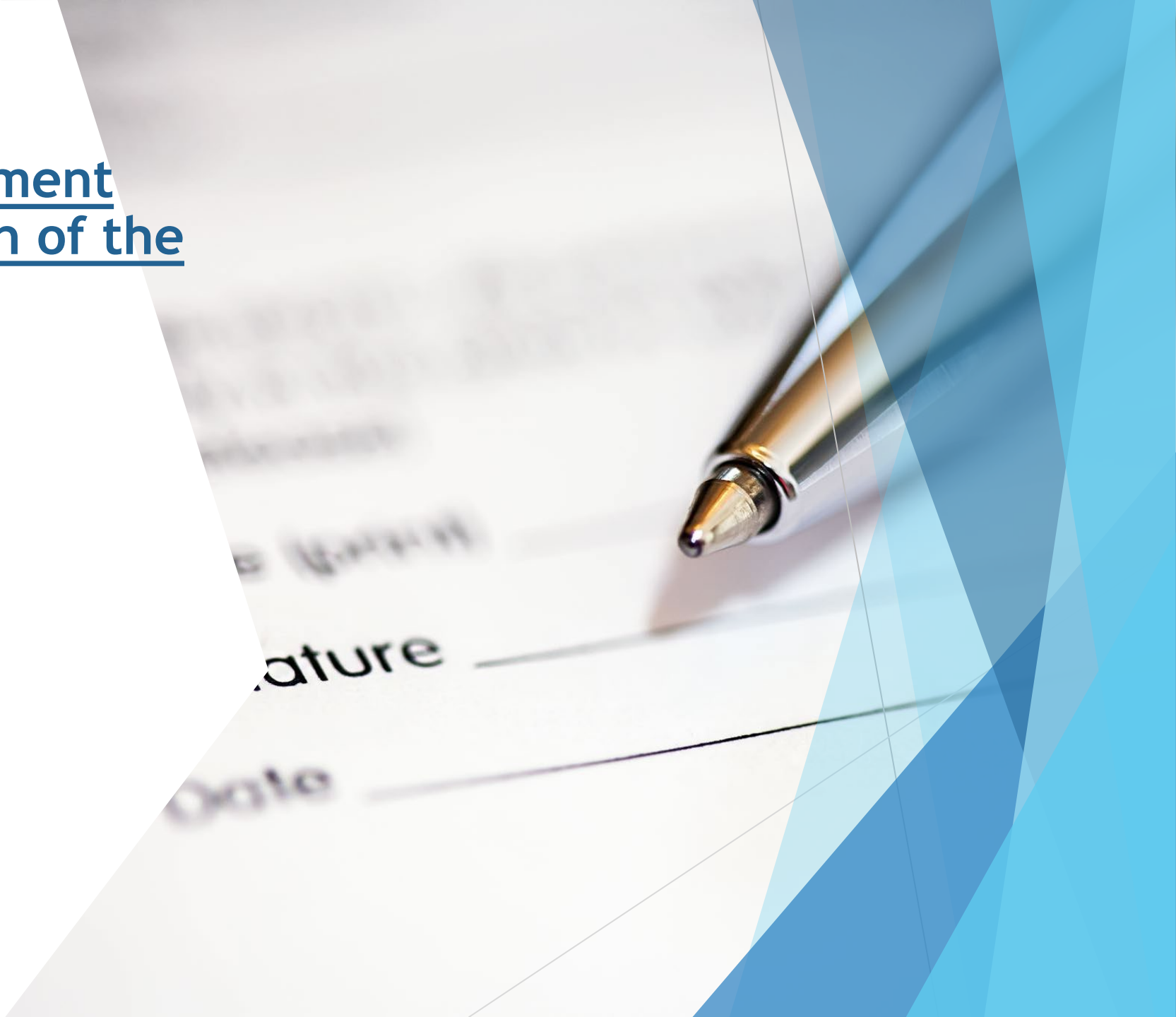
**Basic Overview of:**

**How the Commitment directs the  
preparation of the Warranty Deed**

**LaRee Marra, CLTP  
Sr. Title Officer  
Devon Title, a Stewart Company**

# Basic Overview of: How the Title Commitment directs the preparation of the Warranty Deed

- ▶ Purchase Agreement Contract
- ▶ Commitment - Conditions
- ▶ Ways to hold Title
- ▶ Document of Conveyance



# Basic Overview of: Purchase Agreement Contract

The PURCHASE AGREEMENT - the roadmap that tells us the Who, What, Where, When and Why

- ▶ WHO: buyer and seller
- ▶ WHAT: outlines the terms and conditions of a sale, contingencies, and ensuring both parties understand and agree on the details of the transaction;
- ▶ WHERE: property involved - address, legal description, tax identification number
- ▶ WHEN: closing date
- ▶ WHY: selling for a price and payment terms



## Basic Overview of: What is the Title Commitment

It is a legal contract between the title company issuing the commitment and the party to whom the commitment is issued, typically the buyer and/or lender.

The Title Commitment outlines the, Who, What, Where, When and Why:

- WHO: the current state of the property's title, Seller
- WHAT: terms and conditions to be met, clearing any liens, defects, or restrictions
- WHERE: policy for a specific property,
- WHEN: the policy can be issued once certain conditions are met;
- WHY: crucial part of the due diligence process in a real estate transaction

# Basic Overview of: Title Commitment

**Notice - What and When**

**Schedule A: Who, What and Where**

**Schedule B–I: When and Why – or the HOW**

**Schedule B–II: What - Running with the land**

**Schedule C: Where**

# Basic Overview of: Title Commitment - Schedule A

## Schedule A: Who, What and Where

**[Transaction Identification Data, for which the Company assumes no liability as set forth in Commitment Condition 5.e.:**

Issuing Agent:

Issuing Office:

Issuing Office's ALTA® Registry ID:

Loan ID Number:

Commitment Number:

Issuing Office File Number:

Property Address:]

[Revision Number:]

### SCHEDULE A

1. Commitment Date:

# Basic Overview of: Title Commitment - Schedule A

## Schedule A: Who, What and Where

### SCHEDULE A

1. Commitment Date: [Not today](#)
  
2. Policy to be issued:
  - a. [2021 ALTA® Owner's Policy][2021 ALTA® Loan Policy][\_\_\_\_\_ ALTA® \_\_\_\_\_ Policy]  
Proposed Insured: **PARTY TO BE INSURED**  
Proposed Amount of Insurance: \$ \_\_\_\_\_  
The estate or interest to be insured: \_\_\_\_\_
  - [b. [2021 ALTA® Owner's Policy][2021 ALTA® Loan Policy][\_\_\_\_\_ ALTA® \_\_\_\_\_ Policy]  
Proposed Insured: **PARTY TO BE INSURED**  
Proposed Amount of Insurance: \$ \_\_\_\_\_  
The estate or interest to be insured: \_\_\_\_\_ ]
  - [c. [2021 ALTA® Owner's Policy][2021 ALTA® Loan Policy][\_\_\_\_\_ ALTA® \_\_\_\_\_ Policy]  
Proposed Insured: \_\_\_\_\_  
Proposed Amount of Insurance: \$ \_\_\_\_\_  
The estate or interest to be insured: \_\_\_\_\_ ]

# Basic Overview of: Title Commitment - Schedule A

## Schedule A: Who, What and Where

### SCHEDULE A

1. Commitment Date: [Not today](#)
2. Policy to be issued:
  - a. 2021 ALTA® Owner's Policy (or 2021 ALTA® HOMEOWNER'S Policy)  
Proposed Insured: **PARTY TO BE INSURED**  
Proposed Amount of Insurance: \$  
The estate or interest to be insured: **FEE**
  - b. 2021 ALTA® Loan Policy  
Proposed Insured: **PARTY TO BE INSURED**  
Proposed Amount of Insurance: \$  
The estate or interest to be insured: **FEE**



# Basic Overview of: Title Commitment - Schedule A

## Schedule A: Who, What and Where

3. The estate or interest in the Land at the Commitment Date is: *(Identify each estate or interest covered, i.e., fee, leasehold, etc.)*
4. The Title is, at the Commitment Date, vested in **[who is currently in title:]** *(Identify vesting for each estate or interest identified in Item 3 above)[ and, as disclosed in the Public Records, has been since (Date)]*

# Common Ways of Holding Title (Vesting)

Type of Tenancy	Parties	Division	Title
Tenancy by the Entireties	Only Married Spouses	Ownership and managerial interests are equal	Both parties, each owns an undivided interest in whole.
Joint Tenancy	Any numbers of persons (can be Married Spouses)	Ownership interest <u>must</u> be equal	Sale or encumbrance by joint tenant severs joint tenancy
Tenancy in Common	Any number of persons (can be Married Spouses)	Ownership can be divided into any number of interests equal or unequal	Each co-owner has a separate legal title to their undivided interest
Partnership	Only partners (any number)	Ownership interest is in relation to interest in partnership	Title is in Partnership
Trust	Individuals, groups of persons, partnership, corporations, a living trust	Ownership is a personal property interest and can be divided into any number of interests	Legal title is held by the trustee; beneficiary has equitable title
Joint Tenants with Full Right of Survivorship	Any number of persons (can be Married Spouses)	Ownership and managerial interests are equal	Title is in all parties. Each owns an undivided interest in the whole.

# Basic Overview of: Title Commitment - Schedule A

## Schedule A: Who, What and Where

5. The **Land** is described as follows: [Legal description of the subject property as identified in the public records](#)

**BLANK TITLE INSURANCE COMPANY**

By: \_\_\_\_\_  
[Authorized Signatory]

# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

All of the following Requirements must be met:

1. The Proposed Insured must notify the Company in writing of the name of any party not referred to in this Commitment who will obtain an interest in the Land or who will make a loan on the Land. The Company may then make additional Requirements or Exceptions.
2. Pay the agreed amount for the estate or interest to be insured.
3. Pay the premiums, fees, and charges for the Policy to the Company.
4. Documents satisfactory to the Company that convey the Title or create the Mortgage to be insured, or both, must be properly authorized, executed, delivered, and recorded in the Public Records.  
*(Documents to be listed here)*

# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

5. Record Release of mortgage (current seller may have a mortgage or two, or three)
6. Record DEED from the recited owner to the Party to be insured.

Grantor gives this Deed in exercise of the power reserved to (them) in the Quitclaim Deed dated \_\_\_\_\_ and recorded in Instrument/Liber\_\_\_\_, Page\_\_\_\_, \_\_\_\_\_ County Records.

7. Record new mortgage to be insured.
8. Taxes are DUE

# Basic Overview of: THE Deed

## Putting it all together

Let's first ask – how do the buyers want to take title?  
Who can you ask? Agent, Lender, Buyer(s), Split

# Common Ways of Holding Title (Vesting)

Type of Tenancy	Parties	Division	Title
Tenancy by the Entireties	Only Married Spouses	Ownership and managerial interests are equal	Both parties, each owns an undivided interest in whole.
Joint Tenancy	Any numbers of persons (can be Married Spouses)	Ownership interest <u>must</u> be equal	Sale or encumbrance by joint tenant severs joint tenancy
Tenancy in Common	Any number of persons (can be Married Spouses)	Ownership can be divided into any number of interests equal or unequal	Each co-owner has a separate legal title to their undivided interest
Partnership	Only partners (any number)	Ownership interest is in relation to interest in partnership	Title is in Partnership
Trust	Individuals, groups of persons, partnership, corporations, a living trust	Ownership is a personal property interest and can be divided into any number of interests	Legal title is held by the trustee; beneficiary has equitable title
Joint Tenants with Full Right of Survivorship	Any number of persons (can be Married Spouses)	Ownership and managerial interests are equal	Title is in all parties. Each owns an undivided interest in the whole.

# Basic Overview of: THE Deed

## Document of Conveyance

Most common DEEDS prepared in a Real Estate Transaction

- Warranty Deed
  - Conveyance is generally by warranty deed with the full consideration required to be shown on the face of the deed or
    - ✓ a Real Estate Transfer Tax Valuation Affidavit accompanying it. The Affidavit, when used, is not recorded.
- Covenant Deed
  - A covenant deed is used in place of a limited or special warranty deed.
- Quitclaim Deed
  - A quit claim deed is typically used for the purpose of curing title defects.



# Basic Overview of: THE Deed

## Document of Conveyance

What are the 7 requirements for a deed to be valid?

Remember “**CEDDING**” for the Elements of a Deed

- **C**onsideration (valuable or good)
- **E**xecution (signed by a competent grantor)
- **D**escription of property
- **D**elivery and acceptance (voluntary)
- **I**nterest or estate being conveyed (habendum clause)
- **N**ames of a grantee and grantor and their address
- **G**ranting and other appropriate clauses

# Basic Overview of: THE Deed

## Putting it all together

What Type of DEED are you being asked to prepare.

Quitclaim Deed

Warranty Deed

Covenant Deed

Fiduciary Deed

Survivorship Deed

Ladybird Deed

Special purpose quitclaim deed

# Basic Overview of: THE Deed

## **FACTS:**

**Vesting:** Jane Doe and John Doe, husband and wife

**Buyer:** Mary Johnson

**Property:** Lot Best in the Sub, ABC SUBDIVISION

**Address:** 123 Saysme Street, MadeUp

**Consideration:** \$250,000

**PA States:** Subject to easements and building and use restrictions of record.

**Road:** Public

**NOTE:** Schedule B-I required:

review of a Death Certificate of John Doe

Also has that Lady Bird language for deed

# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

5. Record Release of mortgage (current seller may have a mortgage or two, or three)
6. Information provided to the company disclosed that John Doe is deceased.  
Record Death Certificate of John Doe.
7. Record DEED from the recited owner to the Party to be insured.

Grantor gives this Deed in exercise of the power reserved to (them) in the Quitclaim Deed dated \_\_\_\_\_ and recorded in Instrument/Liber\_\_\_\_, Page\_\_\_\_, \_\_\_\_\_ County Records.

8. Record new mortgage to be insured.
9. Taxes are DUE

# Basic Overview of: THE Deed

## Example

**WARRANTY DEED** File No. 00001

**KNOW ALL MEN BY THESE PRESENTS:**  
That Jane Doe, survivor of herself and her deceased spouse  
John Doe, whose death certificate shall be recorded  
OR whose death certificate is recorded in Liber \_\_\_\_\_, Page  
xxxxxxx County Records.

whose address is 123 Saysme Street

convey(s) and warrant(s) to Mary Johnson

whose address is 54321 Mind Made Up, Here We Are, MI

Land situated in the City of MadeUp, County of Youarehere, State of Michigan

**Lot Best in the Sub, ABC SUBDIVISION**

Commonly known as 123 Saysme Street, MadeUP, MI,  
Tax ID No. 123-456-78-910

For the sum of Two Hundred and Fifty-Thousand and 00/100 (\$250,000.00)

Subject to easements and building and use restrictions of record.

Grantor gives this Deed in exercise of the power reserved to (them) in the Quitclaim Deed dated December 1999 and recorded in Instrument/Liber xxxxx, Page xxx, Youarehere County Records.

Dated on \_\_\_\_\_ day of \_\_\_\_\_, 20THISYEAR

# Basic Overview of: THE Deed

## FACTS:

Vesting: **My Other Favorite Humans**

Buyer: **My Favorite Human**

Property: **We are rocking a metes and bounds legal description**

Address: **123 Saysme Street, MadeUp**

Consideration: **\$250,000**

PA States: **Subject to easements and building and use restrictions of record.**

PA States: **Allows ALL splits**

Road: **Private – need Private Road Disclosure**

## NOTE: Schedule B-II shows a land division clause and Private Road:

•Terms, conditions and provisions of any recorded deed including any deed transferring title contemplated herein, which in its description contains the subject property and which pertains to the transfer of divisions under the **Subdivision Control Act**, as amended.

•Ingress and egress to the subject property is by means of a **Private Road** or Easement and may be subject to various maintenance agreements not of record.

# Basic Overview of: Title Commitment - Schedule B-II

## **SCHEDULE B, PART II—Exceptions**

**Some historical land records contain Discriminatory Covenants that are illegal and unenforceable by law. This Commitment and the Policy treat any Discriminatory Covenant in a document referenced in Schedule B as if each Discriminatory Covenant is redacted, repudiated, removed, and not republished or recirculated. Only the remaining provisions of the document will be excepted from coverage.**

The Policy will not insure against loss or damage resulting from the terms and conditions of any lease or easement identified in Schedule A, and will include the following Exceptions unless cleared to the satisfaction of the Company:

1. Any defect, lien, encumbrance, adverse claim, or other matter that appears for the first time in the Public Records or is created, attaches, or is disclosed between the Commitment Date and the date on which all of the Schedule B, Part I—Requirements are met.]
2. Ingress and egress to the subject property is by means of a Private Road or Easement and may be subject to various maintenance agreements not of record
3. Terms, conditions and provisions of any recorded deed including any deed transferring title contemplated herein, which in its description contains the subject property and which pertains to the transfer of divisions under the Subdivision Control Act, as amended.

*(Additional Exceptions may be listed here by number)*

# Basic Overview of: THE Deed

## Example

### **WARRANTY DEED**

File No. 00001

**KNOW ALL MEN BY THESE PRESENTS:**  
That

My Other Favorite Humans,

whose address is

123 Saysme Street

convey(s) and warrant(s) to

My Favorite Human

whose address is

54321 Mind Made Up, Here We Are, MI

Land situated in the City of MadeUp, County of Youarehere, State of Michigan

#### **SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION**

Commonly known as 123 Saysme Street, MadeUP, MI,  
Tax ID No. 123-456-78-910

This property may be located within the vicinity of farmland or a farm operation. Generally accepted agricultural and management practices which may generate noise, dust, odors, and other associated conditions may be used and are protected by the Michigan right to farm act; and the grantor grants to the grantee the right to make **all** division(s) under section 108 of the Land Division Act, Act No. 288 of the Public Acts of 1967.

For the sum of Two Hundred and Fifty-Thousand and 00/100 (\$250,000.00)

Subject to easements and building and use restrictions of record.

Private Road Disclosure PURSUANT MCL 560.261

**SEE ATTACHED EXHIBIT B FOR PRIVATE ROAD DISCLOSURE**



# Basic Overview of: THE Deed

## Example

### EXHIBIT A

File No. 00001

We are rocking a Legal Description or Lot UNKNOWN, CITY SIDE SUBDIVISION, according to the plat thereof as recorded in Instrument/Liber 12345, Page 67, Youarehere County Register of Deeds.

Commonly known as: 123 Saysme Street, MadeUp  
Tax ID No. 123-456-78-910

### EXHIBIT B

#### NOTICE AND ACKNOWLEDGMENT OF PRIVATE ROAD PURSUANT TO MCL 560.261

File No.: 00001

This notice is given pursuant to MCL 560.261 by My Favorite Human (Seller), whose address is 123 Saysme Street to \_\_\_\_\_ (Purchaser), whose address is ,2025 Seeit , \_\_\_\_\_, parties to a certain sales agreement dated \_\_\_\_\_

Land situated in the MadeUp, County of Youarehere, State of Michigan

#### SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION

Commonly known as 123 Saysme Street, MadeUp, MI  
Tax ID No. 123-456-78-910

Seller hereby advises Purchaser that the Premises abuts a private road that is not required to be maintained by the County Road Commission or any other public body.

Seller(s):

Purchaser(s):

My Other Favorite Humans

My Favorite Human

# Basic Overview of: THE Deed

## **FACTS:**

**Vesting:** My Mother's Trust

**Buyer:** Your Daddy's LLC, a Michigan limited liability company

**Property:** Lot Best in the Sub, ABC SUBDIVISION

**Address:** 123 Saysme Street, MadeUp

**Consideration:** \$250,000

**PA States:** Subject to easements and building and use restrictions of record.

**Road:** Public

**NOTE:** Schedule B-I required review of a Trust:

# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

5. Record Release of mortgage (current seller may have a mortgage or two, or three)
6. Record a Certificate of Trust containing, but not limited to, (1) the name of the Trust, (2) date the Trust was executed, (3) the names of the settlor(s) and trustee(s), (4) Certificate that the Trust is valid under the laws of Michigan, (5) statement that the subject property is covered by the terms of the Trust, (6) quotation of all language in the Trust concerning management of real property, (7) the time when the Trust terminates, (8) that at the date of the document to be executed on behalf of the Trust, the Trust was in full force and effect and has not been amended.

NOTE: If Settlor is no longer living, a unique tax identification number for the Trust must be provided to the company. If one has not been assigned prior to the commitment date, it will be required to establish a unique tax identification number for the above-mentioned Trust. <https://www.irs-ein-tax-id.com>

7. Record DEED from the recited owner to the Party to be insured.
8. Record new mortgage to be insured.
9. Taxes are DUE

# Basic Overview of: THE Deed

## Example

**WARRANTY DEED** File No. 00001

KNOW ALL MEN BY THESE PRESENTS: My Mother, as Trustee of The My Mother's Trust dated December 9, 1999  
That

OR The My Mother's Trust dated December 9, 1999, by My Mother, as Trustee

whose address is 123 Saysme Street

convey(s) and warrant(s) to Your Daddy's LLC, a Michigan limited liability company

whose address is 54321 Mind Made Up, Here We Are, MI

Land situated in the City of MadeUp, County of Youarehere, State of Michigan

**Lot Best in the Sub, ABC SUBDIVISION**

Commonly known as 123 Saysme Street, MadeUP, MI,  
Tax ID No. 123-456-78-910

For the sum of Two Hundred and Fifty-Thousand and 00/100 (\$250,000.00)

Subject to easements and building and use restrictions of record.

Dated on \_\_\_\_\_ day of \_\_\_\_\_, 20THISYEAR

*Signature Page Follows*

The My Mother's Trust dated December 9, 1999

By: My Mother, as Trustee

State of Michigan  
County of Youarehere

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by My Mother, as Trustee of the My Mother's Trust dated 12/9/1999

# Basic Overview of: THE Deed

## Example

### **FACTS:**

**Vesting:** Grandpa Paws, Deceased

**Buyer:** Truly Yours, as Trustee of The Truly Yours Trust dated February 10, 2025

**Property:** Lot Best in the Sub, ABC SUBDIVISION

**Address:** 123 Saysme Street, MadeUp

**Consideration:** \$250,000

**PA States:** Subject to easements and building and use restrictions of record.

**Road:** Public

**NOTE:** Schedule B-I required Letters of Authority:

# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

5. Record Release of mortgage (current seller may have a mortgage or two, or three)
6. Submit copy of Letters of Authority, containing no restrictions, to establish that the Personal Representative has been appointed, and is qualified to act on behalf of the Estate of Grandpa Paw, Deceased, including but not limited to the authority to convey subject property.
7. Record DEED from the recited owner to the Party to be insured.
8. Record new mortgage to be insured.
9. Taxes are DUE

# Basic Overview of: THE Deed

## Example

<b>WARRANTY DEED</b>	File No. 00001
KNOW ALL MEN BY THESE PRESENTS: That	The Estate of Grandpa Paws, Deceased, Youarehere County Probate Court Case No. 24-261512-DE, Paw Paws, as Personal Representative
whose address is	123 Saysme Street
convey(s) and warrant(s) to	Truly Yours, as Trustee of the Truly Yours Trust dated 2/10/2025
whose address is	54321 Mind Made Up, Here We Are, MI

Land situated in the City of MadeUp, County of Youarehere, State of Michigan

**Lot Best in the Sub, ABC SUBDIVISION**

Commonly known as 123 Saysme Street, MadeUP, MI,  
Tax ID No. 123-456-78-910

For the sum of Two Hundred and Fifty-Thousand and 00/100 (\$250,000.00)

Subject to easements and building and use restrictions of record.

Dated on \_\_\_\_\_ day of \_\_\_\_\_, 20THISYEAR

*Signature Page Follows*

**Estate of Grandpa Paws, Deceased**

\_\_\_\_\_

By: Paw Paws, as Personal Representative

State of Michigan  
County of Youarehere

The foregoing instrument was acknowledged before me this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by **Paw Paws**, as Personal Representative of the Estate of Grandpa Paws

# Basic Overview of: THE Deed

## Example

### **FACTS:**

**Vesting:** Robert Doe and Sally Doe, husband and wife

**Buyer:** Richard Poe

**Property:** Lot Best in the Sub, ABC SUBDIVISION

**Address:** 123 Saysme Street, MadeUp

**Consideration:** \$250,000

**PA States:** Subject to easements and building and use restrictions of record.

**Road:** Public

**NOTE:** Schedule B-I required copy of Judgment of Divorce:



# Basic Overview of: Title Commitment - Schedule B

## Schedule B: When and Why – and HOW

### **SCHEDULE B, PART I—Requirements**

5. Record Release of mortgage (current seller may have a mortgage or two, or three)

6. Record **Deed from Sally Doe to Robert Doe.**

Said deed to contain the following language:

THIS DEED IS GIVEN SPECIFICALLY TO RELEASE ANY AND ALL INTEREST GRANTOR MAY HAVE IN ABOVE PREMISES INCLUDING BUT NOT LIMITED TO LIEN RIGHTS GRANTED IN JUDGMENT OF DIVORCE IN YOUAREHER COUNTY CIRCUIT COURT FILE NO. 2025-001002-DO.

7. Record DEED from the recited owner to the Party to be insured.

8. Record new mortgage to be insured.

9. Taxes are DUE

# Basic Overview of: THE Deed

## Example

<b>QUIT CLAIM DEED</b>	<i>File No. 00001</i>
The Grantor(s)	Sally Doe
whose address is	123 Saysme Street
quit claims to	Robert Doe
whose address is	123 Saysme Street

Land situated in the City of WhereAt, County of Youarehere, State of Unknown

**SEE ATTACHED EXHIBIT A FOR COMPLETE LEGAL DESCRIPTION**

Commonly known as 123 Saysme Street  
Tax ID No. 123-456-78-910

For the sum of One Dollar. EXEMPT PURSUANT TO MCL 207.505(a) and MCL 207.526(a)

Subject to easements and building and use restrictions of record.

**THIS DEED IS GIVEN IN FULL SATISFACTION OF THE TERMS AND CONDITIONS OF A DIVORCE JUDGMENT, YOUAREHERE COUNTY CIRCUIT COURT FILE NO. 2025-001002-DO.**

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2025|

\_\_\_\_\_  
Sally Doe



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**MICHIGAN LAND TITLE ASSOCIATION**

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Integrity ♦ Responsibility ♦ Service

**Any Questions?**