Negotiating Real Estate Transactions

Title and Deed Transfer

Abstract of Title: This refers to a summary of all the public records related to the ownership of a property, including all the previous owners and any outstanding liens or mortgages. It is used to verify the ownership of a property and to ensure that the seller has the right to sell the property.

Acceleration Clause: This is a provision in a mortgage contract that requires the borrower to pay off the entire loan balance if they default on their payments. It is often used as a penalty for non-payment and can be a serious consequence for the borrower.

Acknowledgment: This is a statement that is signed by a notary public, verifying that a document was signed voluntarily by the signer. It is often used to authenticate the signature on a document, such as a deed or a mortgage.

Adverse Possession: This is a doctrine that allows a person to gain ownership of a property if they have possessed it for a certain amount of time, usually 10 or 20 years, without the permission of the owner. It is often used to resolve disputes over property borders.

Agency: This refers to the relationship between a principal and an agent, where the agent has the authority to act on behalf of the principal in real estate transactions. The agent may be a broker or a salesperson.

Amortization: This is the process of gradually paying off a loan through regular payments, usually monthly payments, that cover both the interest and the principal. It is often used to finance the purchase of a property.

Appraisal: This is an estimate of the value of a property, usually conducted by a licensed appraiser. It is often used to determine the sale price of a property or to evaluate the amount of a loan.

Appreciation: This is the increase in value of a property over time, usually due to market conditions or improvements to the property. It is often used to calculate the gain or profit from the sale of a property.

Assessment: This is the process of determining the value of a property for taxation purposes, usually conducted by a government agency. It is often used to calculate the amount of property taxes owed.

Assignment: This is the transfer of a contract or a lease from one party to another, usually with the consent of the other party. It is often used to assign the rights and obligations of a contract to a new party.

Attorney-in-Fact: This is a person who has been granted the power to act on behalf of another person, usually through a power of attorney. It is often used to manage the affairs of a person who is incapacitated or unavailable.

Balloon Payment: This is a large payment that is due at the end of a loan term, usually after a series of smaller payments. It is often used to finance the purchase of a property with a short loan term.

Bill of Sale: This is a document that transfers the ownership of a property from one party to another, usually in exchange for a payment. It is often used to transfer the title to a vehicle or a piece of equipment.

Boundary: This is the line that separates one property from another, usually marked by a fence or a survey marker. It is often used to determine the extent of a property and to resolve disputes over property borders.

Broker: This is a person who is licensed to represent a buyer or a seller in a real estate transaction, usually in exchange for a fee or a commission. It is often used to facilitate the sale or purchase of a property.

Buyer's Agent: This is a broker who represents the buyer in a real estate transaction, usually in exchange for a fee or a commission. It is often used to protect the interests of the buyer and to negotiate the terms of the sale.

Capital Gain: This is the profit made from the sale of a property, usually subject to taxation. It is often used to calculate the gain or profit from the sale of a property.

Certificate of Title: This is a document that verifies the ownership of a property, usually issued by a government agency. It is often used to transfer the title to a property and to verify the ownership of a property.

Chain of Title: This is the series of documents that transfer the ownership of a property from one party to another, usually starting with the original grant of the property. It is often used to verify the ownership of a property and to resolve disputes over property ownership.

Closing: This is the final step in a real estate transaction, where the buyer and the seller sign the final documents and transfer the ownership of the property. It is often used to complete the sale or purchase of a property.

Cloud on Title: This is a problem with the title to a property, usually a lien or a dispute over ownership. It is often used to describe a title that is not clear or a title that has issues.

Commission: This is the fee that is paid to a broker or a salesperson for their services in a real estate transaction, usually a percentage of the sale price. It is often used to compensate the broker or salesperson for their work.

Condemnation: This is the process of taking a property for public use, usually through eminent domain. It is often used to acquire a property for a public project, such as a road or a park.

Conventional Loan: This is a loan that is not insured or guaranteed by a government agency, usually provided by a private . It is often used to finance the purchase of a property.

Conveyance: This is the transfer of the ownership of a property from one party to another, usually through a deed or a contract. It is often used to transfer the title to a property.

Counteroffer: This is a response to an offer to purchase a property, usually with different terms or conditions. It is often used to negotiate the terms of the sale.

Covenant: This is a promise or an agreement that is included in a deed or a contract, usually relating to the use or the maintenance of a property. It is often used to restrict the use of a property or to require certain actions.

Credit Report: This is a document that contains information about a person's credit history, usually used to determine their creditworthiness. It is often used to evaluate the credit of a borrower.

Deed: This is a document that transfers the ownership of a property from one party to another, usually signed by the seller and delivered to the buyer. It is often used to transfer the title to a property.

Deed of Trust: This is a document that secures a loan with a property, usually used in states where a mortgage is not allowed. It is often used to finance the purchase of a property.

Default: This is the failure to pay a debt or to perform an obligation, usually resulting in a penalty or a foreclosure. It is often used to describe a situation where a borrower has failed to make payments.

Deposit: This is a payment that is made by a buyer to a seller as a pledge of their intent to purchase a property, usually refunded if the sale is not completed. It is often used to secure the sale of a property.

Disclosure: This is the process of revealing information about a property or a transaction, usually required by law. It is often used to inform the buyer about the condition of a property or about the terms of a sale.

Disclaimer: This is a statement that denies any warranty or representation about a property or a transaction, usually used to limit the liability of a seller or a broker. It is often used to protect the seller or the broker from claims.

Down Payment: This is a payment that is made by a buyer at the time of purchasing a property, usually a percentage of the purchase price. It is often used to secure the loan and to demonstrate the buyer's commitment to the purchase.

Earnest Money: This is a payment that is made by a buyer to a seller as a pledge of their intent to purchase a property, usually refunded if the sale is not completed. It is often used to secure the sale of a property.

Easement: This is a right to use a property for a specific purpose, usually granted to a third party. It is often used to allow access to a property or to provide a utility service.

Encumbrance: This is a claim or a lien on a property, usually resulting from a debt or a contract. It is often used to describe a situation where a property is burdened by a debt or a lien.

Equity: This is the value of a property that is beyond the amount of any loans or liens on the property, usually calculated by subtracting the loan balance from the market value of the property. It is often used to determine the amount of equity in a property.

Escrow: This is a account that is used to hold funds or documents until a specific condition is met, usually used to facilitate the sale or purchase of a property. It is often used to protect the buyer and the seller by holding the deed or the payment until the sale is completed.

Eviction: This is the process of removing a tenant from a property, usually resulting from a breach of the lease or a failure to pay rent. It is often used to enforce the rights of the landlord.

Exclusive Agency Listing: This is a type of listing agreement where the broker has the exclusive right to represent the seller and to earn a commission, usually used to motivate the broker to sell the property.

FHA Loan: This is a type of loan that is insured by the Federal Housing Administration, usually used to finance the purchase of a property by a first-time homebuyer.

Fixtures: These are items that are attached to a property and are considered to be a part of the property, usually including appliances and lighting fixtures. It is often used to determine what items are included in the sale of a property.

Foreclosure: This is the process of taking a property away from a borrower who has defaulted on their loan, usually resulting in a public sale of the property. It is often used to enforce the rights of the lender.

General Warranty Deed: This is a type of deed that guarantees the seller has clear title to a property and that the property is free of any encumbrances, usually used to transfer the title to a property.

Home Inspection: This is an examination of a property to determine its condition and to identify any defects or needed repairs, usually conducted by a professional home inspector. It is often used to evaluate the condition of a property and to negotiate the terms of the sale.

Ingress: This is the right to enter a property, usually granted to a third party. It is often used to allow access to a property or to provide a utility service.

Inspection Contingency: This is a condition in a contract that allows the buyer to inspect the property and to withdraw from the contract if they are not satisfied with the condition of the property. It is often used to protect the buyer from unknown defects or problems.

Interest: This is the cost of borrowing money, usually expressed as a percentage of the loan amount. It is often used to calculate the monthly payment on a loan.

Joint Tenancy: This is a type of co-ownership where two or more people own a property together, usually with the right of survivorship. It is often used to allow multiple people to own a property together.

Land Contract: This is a type of contract where the seller finances the purchase of a property by the buyer, usually used when the buyer is unable to obtain a loan from a lender.

Lease: This is a contract that grants a tenant the right to use a property for a specific period of time, usually in exchange for rent. It is often used to allow a tenant to use a property without owning it.

Lien: This is a claim on a property that is owed to a creditor, usually resulting from a debt or a contract. It is often used to secure a debt or to enforce a contract.

Listing Agreement: This is a contract between a seller and a broker that grants the broker the exclusive right to represent the seller and to earn a commission, usually used to motivate the broker to sell the property.

Loan Commitment: This is a promise by a lender to provide a loan to a borrower, usually subject to certain conditions. It is often used to secure the financing for a property purchase.

Market Value: This is the price that a property would sell for on the open market, usually determined by a professional appraiser. It is often used to determine the value of a property for taxation purposes or for insurance purposes.

Mortgage: This is a loan that is secured by a property, usually used to finance the purchase of a property. It is often used to allow a borrower to purchase a property without paying the full price upfront.

Multiple Listing Service: This is a system that allows brokers to share information about properties that are for sale, usually used to facilitate the sale of properties.

Open House: This is an event where a property is opened to the public for viewing, usually hosted by a broker or a salesperson. It is often used to attract potential buyers and to showcase the features of a property.

Option: This is a contract that grants a buyer the right to purchase a property at a specific price, usually used to allow the buyer to secure a property while they finalize their financing.

Plat: This is a map that shows the boundaries and the features of a property, usually used to identify the location and the dimensions of a property.

Power of Attorney: This is a document that grants a person the authority to act on behalf of another person, usually used to manage the affairs of a person who is incapacitated or unavailable.

Preapproval: This is a preliminary approval for a loan, usually based on the creditworthiness of the borrower. It is often used to determine the amount of a loan that a borrower is eligible for.

Property Tax: This is a tax that is imposed on a property by a government agency, usually based on the value of the property. It is often used to fund public services and infrastructure.

Purchase Agreement: This is a contract that outlines the terms of a sale, usually including the price, the conditions, and the contingencies. It is often used to facilitate the sale of a property.

Quitclaim Deed: This is a type of deed that transfers the interest of a person in a property to another person, usually used to transfer the title to a property between family members or between business partners.

Real Estate Agent: This is a person who is licensed to represent a buyer or a seller in a real estate transaction, usually in exchange for a fee or a commission.

Real Property: This is land and any improvements to the land, such as buildings or structures</