
SENATE BILL NO. 64—SENATOR RHOADS

FEBRUARY 16, 2005

Referred to Committee on Judiciary

SUMMARY—Clarifies that owner of interest in real property may convey his interest to grantee in deed which becomes effective upon death of owner as sole separate property of grantee without necessity of filing of quitclaim deed or disclaimer by spouse of grantee. (BDR 10-539)

FISCAL NOTE: Effect on Local Government: No.
Effect on the State: No.

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EXPLANATION – Matter in *bolded italics* is new; matter between brackets [omitted material] is material to be omitted.

AN ACT relating to distribution of estates; clarifying that the owner of an interest in real property may convey his interest to a grantee in a deed which becomes effective upon the death of the owner as the sole separate property of the grantee without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of the grantee; and providing other matters properly relating thereto.

Legislative Counsel's Digest:

- 1 Existing law allows the owner of an interest in real property to create a deed
2 effective upon his death that conveys his interest in the property to another person.
3 The person to whom the property is conveyed is called a grantee. The owner may
4 designate more than one grantee to take the title of the property as any type of
5 tenancy recognized by the State. These types of tenancy include joint tenants,
6 tenants in common, husband and wife as community property, and community
7 property with rights of survivorship. (NRS 111.109)
8 This bill allows the owner of an interest in real property to designate a grantee
9 or grantees to take title as sole separate property. The spouse of the designated
10 grantee is not required to file a quitclaim deed or disclaimer to the property when
11 the deed is conveyed as sole separate property.
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THE PEOPLE OF THE STATE OF NEVADA, REPRESENTED IN
SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

Section 1. NRS 111.109 is hereby amended to read as follows:

111.109 1. The owner of an interest in real property may create a deed that conveys his interest in real property to a grantee which becomes effective upon the death of the owner. Such a conveyance is subject to liens on the property in existence on the date of the death of the owner.

2. The owner of an interest in real property who creates a deed pursuant to subsection 1 may designate in the deed:

(a) Multiple grantees who will take title to the property upon his death as joint tenants with right of survivorship, tenants in common, husband and wife as community property, community property with right of survivorship or any other tenancy that is recognized in this State.

(b) *A grantee or multiple grantees who will take title to the property upon his death as the sole separate property of the grantee or grantees without the necessity of the filing of a quitclaim deed or disclaimer by the spouse of any grantee.*

(c) A successor in interest to the grantee. If a successor in interest is designated, the deed must include a provision stating the condition precedent for the interest of the successor to vest.

3. If the owner of the real property which is the subject of a deed created pursuant to subsection 1 holds the interest in the property as a joint tenant with right of survivorship or as community property with the right of survivorship and:

(a) The deed includes a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the last surviving owner; or

(b) The deed does not include a conveyance of the interest from each of the other owners, the deed becomes effective on the date of the death of the owner who created the deed only if the owner who conveyed his interest in real property to the grantee is the last surviving owner.

4. If an owner of an interest in real property who creates a deed pursuant to subsection 1 transfers his interest in the real property to another person during his lifetime, the deed created pursuant to subsection 1 is void.

5. The provisions of this section must not be construed to limit the recovery of benefits paid for Medicaid.

Sec. 2. This act becomes effective on July 1, 2005.

