



**Recommendations for Grantor/Grantee Identification
On Recorded Documents**



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In preparation for January 1, 2002 (the effective date of Revised Sections 59.310.2 and 59.313.2, RSMo), all document preparers should review forms intended to be presented for recording to ensure that appropriate identification is made of the Grantor and/or Grantee for such document. Careful consideration should be given to the ability of a title searcher to find the document in appropriate instances within the land records index when making this Grantor/Grantee identification in a document. The following list contains recommendations from the Missouri Bar Property Law Committee concerning the Grantor/Grantee identification associated with some commonly used documents. Each preparer, however, should exercise his or her own judgment in determining the appropriate Grantor/Grantee identification of documents prepared in his or her office. Document preparers should note that neither the Missouri Bar nor the Missouri Bar Property Law Committee is undertaking to give advice with regard to the proper identification of Grantor and/or Grantee. These recommendations should simply serve as guidelines in the preparation of your documents when revised Chapter 59 of the Missouri Statutes takes effect.

1) Warranty Deeds

Standard Grantor / Grantee Identification

[* Note - If the deed reserves or otherwise imposes an easement or covenant on the land granted, the party named as Grantee should also be indexed as a Grantor, and the party named as a Grantor should also be indexed as a Grantee.]

2) Quitclaim Deeds

Standard Grantor / Grantee Identification

3) Trustee's Deeds

Grantor = Trustee / Standard Grantee Identification

4) Correction Deeds

Standard Grantor / Grantee Identification

5) Deeds of Trust

Grantor = Borrower

Grantee = Lender

6) Deeds of Release

Grantor = Lender / Deed of Trust Beneficiary

Grantee = Borrower under Deed of Trust

7) Durable Powers of Attorney

Grantor = Principal

Grantee = Attorney in Fact

8) Assignments of Deed of Trust

Grantor = Assignor

Grantee = Assignee

9) Assignments of Lease

Grantor = Assignor

Grantee = Assignee

10) Easements

Standard Grantor / Grantee Identification

[Note, however, that in mutual easements, each party should be identified as both a grantor and grantee.]

11) Declaration of Restrictive Covenants

Grantor = Declarant

Grantee = None

12) Memorandums of Contract

Grantor = Seller

Grantee = Buyer

13) Memorandums of Lease/Short Form Lease

Grantor = Lessor / Landlord

Grantee = Lessee / Tenant

14) Memorandums of Trust

Grantor = Trustor / Settlor

Grantee = Trustee

15) Affidavits prepared for recording

a. Affidavit of Heirship

Grantor = Decedent

Grantee = Surviving Heirs

b. **Affidavit of Adverse Possession**

Grantor = Adverse Possessor

Grantee = None

[Note that the affiant is not necessarily the party to be identified as a grantor or grantee.]

16) **Rights of First Refusal Agreements**

Standard Grantor / Grantee Identification

17) **Notice of Lis Pendens**

Grantor = Defendant

Grantee = Plaintiff

18) **Subordination Agreements**

a. Subordination Agreements (Tenant Subordinating Lease to Deed of Trust)

Grantor = Tenant

Grantee = Lender

b. Subordination Agreements (Lender Subordinating Deed of Trust to an Easement)

Grantor = Lender

Grantee = Easement Holder

19) **Affidavit of Trustee's Notice**

Grantor = Trustee

Grantee = None

20) **Affidavit of Publication**

Grantor = Trustee

Grantee = None

21) **Request for Notice of Foreclosure**

Grantor = Borrower

Grantee = Requesting Party or None [????]

22) Appointment of Successor Trustee for Deed of Trust

Grantor = Lender / Deed of Trust Beneficiary

Grantee = Successor Trustee

23) Resignation of Trustee for Deed of Trust

Grantor = Resigning Trustee

Grantee = None

24) Boundary Line Agreements

Grantor = Each Party

Grantee = Each Party

25) Tenants in Common Agreements

Grantor = Each Tenant

Grantee = Each Tenant

26) Party Wall Agreements

Grantor = Each Party

Grantee = Each Party

27) Shared Well Agreements

Grantor = Each Party

Grantee = Each Party

[Note that these parties may ALSO be identified on the first page and throughout the document with their standard or commonly used designation, however, to ensure proper indexing and compliance with the many local Recorders' interpretation of new formatting requirements of Chapter 59 of the Revised Statutes of the State of Missouri, document preparers should include on the first page of recorded documents the appropriate identification of which party should be indexed as grantor and which as grantee.]