

Dear Beaver County Property Owners,

Over the past few years, the Beaver County GIS Department has been working hard to update our official Ownership Plat Maps.

As part of this project, we've been double-checking each parcel's details — including property lines, legal descriptions, acreage, and ownership — to make sure everything matches our official records. Sometimes this means digging into the property's history to get the details right.

Once a map is complete and double-checked, we print it on mylar and add the current owner's name(s) to it.

During this process, one important issue came to light: many property owners have only one name listed on their official document. This could be a notable disadvantage, so we felt it was important to bring it to your attention.

If you have a trust, and your property has been conveyed to a trustee of the trust, and you have established a successor trustee, then it is not likely an issue if only one name is on record.

But if you are the sole owner and pass away, **even having a Will is *not* enough to avoid probate in Utah.**

Probate is the legal process of verifying a Will and distributing your property. While it's not always complicated, it *can* be time-consuming and expensive. Court costs, attorney fees, newspaper notices, document fees, and recording fees can all add up quickly -leaving fewer resources in your estate.

That said, adding another person to your deed isn't something to rush into either. That's why we **strongly encourage** you to talk things over with your legal advisor, financial planner, and family members before making any changes.

In future editions, we'll be answering some of the most frequently asked questions we receive here in the Recorder's Office.

Our goal is to keep you informed so you can make the best decisions for your specific circumstances. The Beaver County Recorder's Office

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Beaver County Recorder's Office FAQs

How can I verify the owner(s) of record on my property?

- **Review your property deed**- the owner's name(s) appear near the “Grantee”.
- **Request a copy of your deed** from the Beaver County Recorder's Office @ beaver.utah.gov/recorder by clicking “Request for Plat Maps and/or Recorded Documents”, filling out the form, and submitting it.

What is the difference between Joint Tenants and Tenants in Common?

- **Joint Tenants** means **equal** ownership of property with **rights of survivorship**. When one owner dies, their share automatically goes to the surviving owner(s), **not to their heirs**. This arrangement is common among married couples, (although you do not have to be married to be joint tenants).
- **Tenants in Common** means property ownership **without** rights of survivorship. When an owner dies, their share goes to **their heirs or estate**, not to the other owners. This is often used when parents transfer property to children, ensuring equal portion of the estate; because should one of the children die, their portion would pass to their heirs, not to their siblings.

Additionally, owners can hold **unequal shares** of a property; this is beneficial if two (or more) people purchase property together and some invest more (money, time, or labor) than others.

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Beaver County Recorder's Office FAQs

How do I legally change the ownership of my property?

Property can only be transferred with a conveyance document (**Deed**) or a **Court Order** (in the case of divorce, probate or quiet title actions).

To **relinquish ownership**, you must sign a deed transferring your interest to another person.

To **add someone to your property**, you sign a deed giving them a share.

If a **joint tenant dies**, their name is removed by recording an **Affidavit of Death** with their original death certificate.

If the property is in a trust, ownership changes can be made with an **Affidavit of Successor Trustee**.

If the owner dies and the property is **only in their name**, it goes through **probate**, where a judge appoints an executor and a **Personal Representative's Deed** is issued to transfer ownership.

Where can I get a deed to transfer property ownership?

The Recorder's Office **does not** provide blank forms, templates, or legal advice.

A **Title Company** can ensure your deed meets state specific requirements, verify current ownership, discuss the pros and cons of your situation, and prepare the appropriate deed for transferring ownership.

Do I need an attorney to prepare my deed?

Although an attorney can prepare a deed, they are typically more focused on estate planning, creating a trust, tax liability, and legal advice.

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My home loan has been paid off. When will I receive my title?

Many people assume that paying off a home loan works like a car loan. This belief comes from the familiar process of signing over a car title to the bank and getting it back once the loan is paid off. However, the process for **real estate is different**.

When borrowing against your home or property, you don't give up your deed; you sign a lien or mortgage; (the lender's legal claim on your property). After the mortgage is paid off the lender releases the lien, **clearing their claim** and confirming your full ownership.

After paying off a home loan, you may receive a payoff letter and a copy of your Promissory Note marked "Paid in Full" from your lender.

However, the most **crucial** step is the **Release or Reconveyance**.

Traditionally, lenders recorded this with the county and then sent the original to the homeowner. But now, many lenders send the document directly to the homeowner, who must **record it with the county**. If this step is skipped, the lien remains on the property, which can cause future issues.

How can I make sure my mortgage lien has been properly released?

If you have a Release or Reconveyance in your possession, look to see if it has the recorder's stamp-this will show the entry number, date, time, and other recording details.

Check with your **County Recorder's Office** @ beaver.utah.gov/recorder by clicking "Request for Plat Maps and/or Recorded Documents", filling out the form-asking for a copy of your release, and submitting it.

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Beaver County Recorder's Office FAQs

My parent(s) recently passed away, and while reviewing their paperwork, we discovered a property deed in their name(s).

The two most common reasons you might come across a property deed that you were not aware of are:

- When a property is sold, the original owner does not 'sign over' the existing deed. Instead, a new deed is created to convey title from the current owner to the buyer. Therefore, it's fairly common to come across an old deed for a property that was previously owned.
- Agents, advertising land for sale in Utah, often embellished descriptions of scenic vistas to attract out-of-state buyers. Unfortunately, many buyers ended up purchasing sagebrush & sand on the west desert- often sight unseen.

How can I confirm whether they still own this property?

If your parent(s) were still receiving annual Property Tax Valuations/Notices, there's a strong likelihood that the property is still in their name.

You can contact the county Recorder's Office at beaver.utah.gov/recorder and clicking "Request for Plat Maps and/or Recorded Documents", filling out the form-asking for any property listed in their names, and submitting it. We can also provide you with a property history dating back to the year 2000. For records prior to that, a formal title search would be required.

If so, what actions do we need to take to address the transfer of ownership?

That will depend on how the title is held-whether as a sole owner, as Joint Tenants, as Tenants in Common, in a trust, or under a company name. Once that has been established, you should consult with your legal advisor, financial planner, and/or relevant family members to ensure the title is properly conveyed.

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Beaver County Recorder's Office FAQs

Where can I obtain an official copy of my important records?

You'll need to contact the appropriate government agency based on the type of document you're requesting.

Land Records (e.g., deed, mortgage, reconveyance): Contact the County Recorder's Office. Visit beaver.utah.gov/recorder and click "Request for Plat Maps and/or Recorded Documents", fill out the form and submit.

State Issued Water Rights: While the county maintains some water rights data, the Utah Division of Water Rights is the best resource. Search by owners' name, water right number, and more at waterrights.utah.gov/wrinfo/query.asp

Birth & Death Certificates: These can be obtained from the Southwest Utah Public Health Department, located at 75 West 1175 North, Beaver City. Phone: 435-438-2482 (Call for office hours) You may also request them online at vitalrecords.utah.gov.

Marriage Records: Contact The Beaver County Clerk's Office at 435-438-6463.

Divorce Decrees: If it was finalized in Beaver County, your contact will be the Fifth District Court Clerk at 435-438-5309 or request copies via email at beavercopies@utcourts.gov

Duplicate Vehicle Title or Proof of Registration:

Contact the Utah Division of Motor Vehicles at one of the following offices.
Beaver Office: 105 E. Center 435-438-6400
Milford Office: 451 N. Main 435-387-5571

Beaver County Recorder's Office FAQs

What is the difference between a Quitclaim Deed & a Warranty Deed?

A **Quitclaim Deed** transfers whatever interest the seller may have in the property (if any) but makes no guarantees. They are often used to clean up boundaries between property owners or minor clerical errors. Additionally, they are used in situations among family members or partnerships, when there is little question about the ownership of a property and no monetary exchange. Examples include; funding a Trust, putting property into a LLC, adding a name such as a spouse or child, or removing a name following a divorce. **Note:** A Quitclaim Deed does not affect the mortgage. Ownership can be transferred without transferring loan responsibility. However, if the loan goes into foreclosure, all owners may lose their interest in the property.

A **Warranty Deed** transfers the seller's interest, guaranteeing they are the owner of the property and that there are no encumbrances (lien, loan, taxes, etc.) on it. It is used in real estate transactions between unrelated buyers and when money and/or a loan is involved. Warranty Deeds are the safer option and provide some legal recourse for the buyer.

If the seller already purchased Title Insurance, why do I need to buy it again?

There are two types of title insurance:

Owner's Policy: Typically paid for by the seller, this protects the buyer and is a one-time purchase that remains in effect as long as the buyer owns the property.

Loan Policy: Usually required by the mortgage lender and paid for by the buyer. This protects the lender's interest in the property and is also a one-time purchase, valid until the loan is paid off. If you refinance, a new Loan Policy will likely be required.

Should I shop around for the best title insurance rates?

While title insurance **rates are set** by state regulation and based on the value of the property or loan, you *can* and *should* shop around for the best **escrow fees and closing costs**. Different companies may charge varying fees for their services, even if the insurance premium itself is fixed.

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