

SURPRISE, THERE'S A DEED

Tales of Deed Forgery and Undue Influence

Cassie McGarvey





Basic Concepts

- Grantor in Deed
- Grantee in Deed
- Difference between Deed and Deed of Trust
- Promissory Note
- Relationship between the Deed of Trust and the Promissory Note
- Assuming = obligation
- Subject to = no obligation





Real Estate Conveyance Documents

Why Deed Types Matter



Types of Deeds

QUIT CLAIM DEED

- ▶ Not a conveyance instrument
- ▶ Functions as a release of interest
- ▶ Deed merely “quits” any “claim” by Grantor
- ▶ Tex. Prop. Code § 13.006 (2021)

DEED WITHOUT WARRANTY

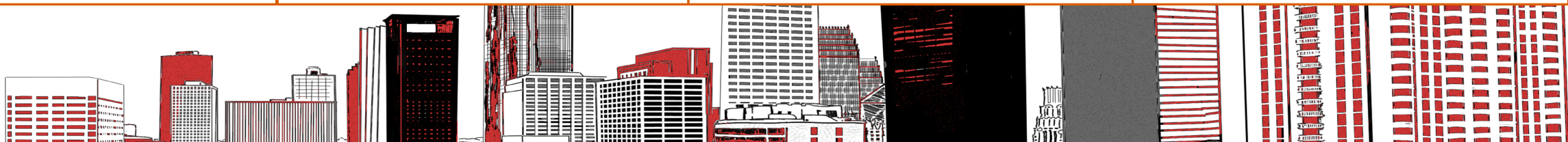
- ▶ Conveyance instrument
- ▶ No warranties provided
- ▶ Deed of last resort

SPECIAL WARRANTY DEED

- ▶ Title is warranted *only* from the grantor and no further back than that.
- ▶ Grantor’s liability for title defects is limited to his period of ownership up to and including the conveyance to the Grantee.

GENERAL WARRANTY DEED

- ▶ Warrants the ***entire*** chain of title all the way back to the sovereign
- ▶ Contains both express and implied warranties



Forgery or Fraudulent

◆ Forgery = § 32.21 of the Penal Code

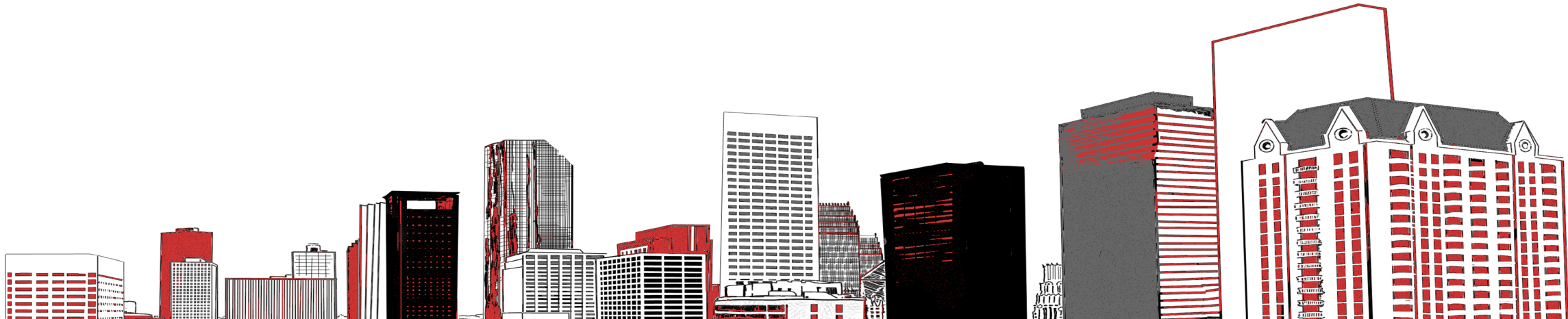
(A) To alter, make, complete, execute, or authenticate any writing so that it purports:

(i) To be the act of another who did not authorize that act;

(ii) To have been executed at a time or place or in a numbered sequence other than was in fact the case; or

(iii) To be a copy of an original when no such original existed.

◆ Fraud – occurs when there is induced confidence in an agency that does not exist.

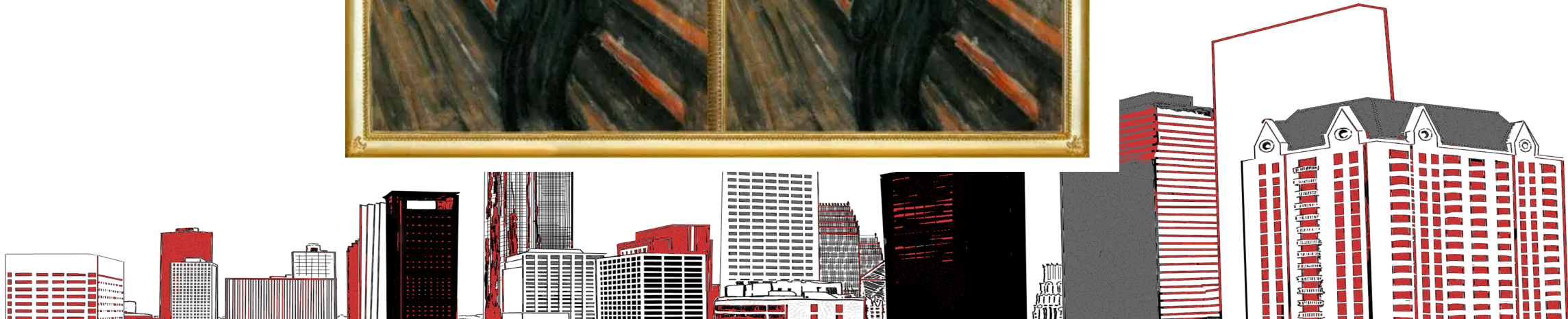
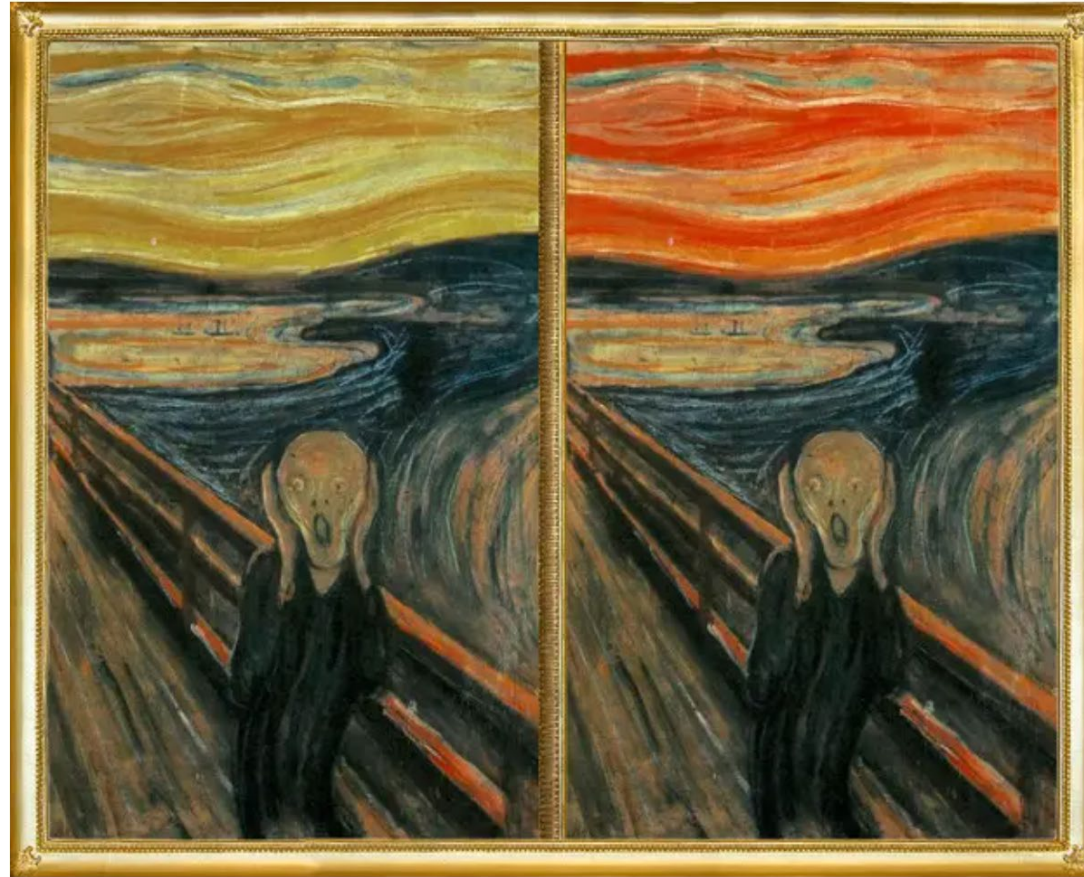


Void or Voidable

- ◆ Forged deeds are VOID.
 - ◆ Passes no title and treated as a nullity.
 - ◆ No BFPs
- ◆ Fraudulent deeds are VOIDABLE.
 - ◆ Will stand until set aside or invalidated by the Court.
 - ◆ Beware of BFPs



Spotting the Forgery: Which is the Real Scream



THE STATE OF TEXAS, }
COUNTY OF HARRIS

KNOW ALL MEN BY THESE PRESENTS:

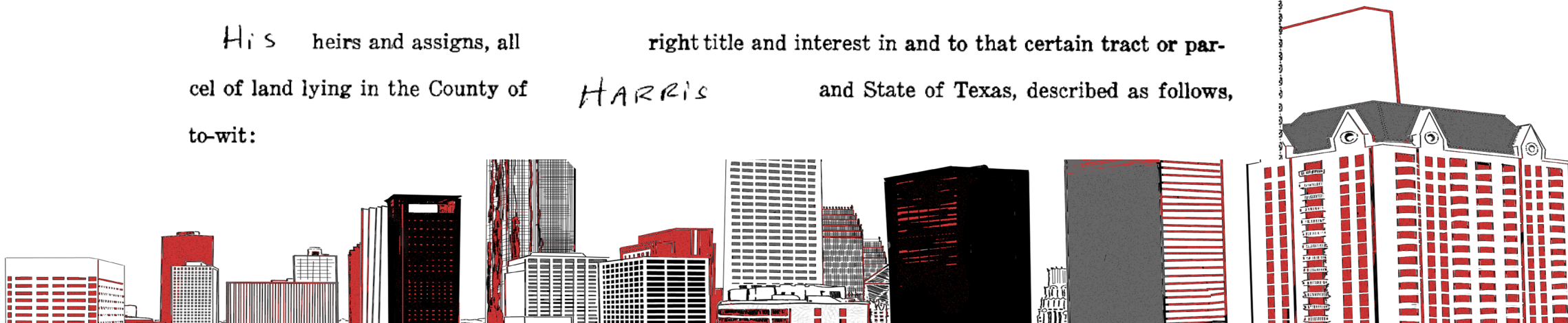
That I, Percy Leon Morgan, a single man, hereinafter
GRANTOR

of the County of HARRIS and State of TEXAS, for and in consideration of
the sum of TEN DOLLARS (\$10.00) AND OTHER GOOD AND VALUABLE
CONSIDERATIONS

to ME in hand paid by RILEY DEAN MORRIS JR, hereinafter GRANTEE,
of the County of HARRIS and State of TEXAS, the receipt of which
is hereby acknowledged, do, by these presents, BARGAIN, SELL, RELEASE, AND FOREVER
QUIT CLAIM unto the said GRANTEE

RP-2017-352389
08/04/2017 RP1 \$20.00

His heirs and assigns, all right title and interest in and to that certain tract or par-
cel of land lying in the County of HARRIS and State of Texas, described as follows,
to-wit:



WITNESS my hand at Marshall TX
day of July

this 31st
A. D. 19 2017

Witnesses at Request of Grantor:

X Percy Benjamin

Percy Leon Morgan

ACKNOWLEDGMENT

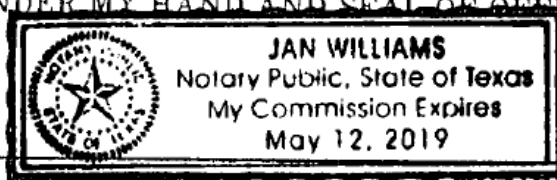
THE STATE OF TEXAS,
COUNTY OF HARRIS }
on this day personally appeared

Percy Leon Morgan, a single man,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that
he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 31st day of July, A. D. 2017

(L.S.)



Notary Public, in and for the State of Texas.
My Commission Expires

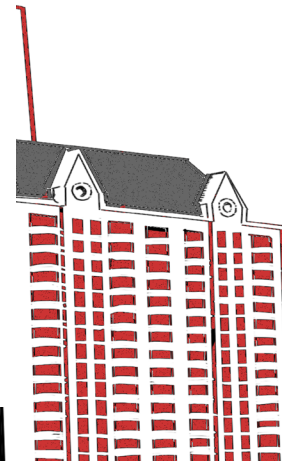
additions and changes were present at the time
the instrument was filed and recorded.

BEFORE ME, the undersigned authority,

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF }
on this day personally appeared

BEFORE ME, the undersigned authority,



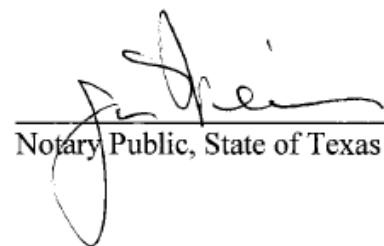
Percey M. Foster

[illegible]

202

202

१५



Notary Public, State of Texas

Name: Jan Williams - ID: 130223630		
Address: [REDACTED] Houston, Tx 77002		
Expires:	May 12, 2019	
County:	Harris	
Agency:	American Association Of Notaries Inc	
Surety Company:	Western Surety Company	
History	As	Effective
Commissioned Notary Public	Jan Williams	05/12
Online Commission History	As	Effective
None		

WITNESS my hand at Marshall TX this 31st
day of July A. D. 2017

Witnesses at Request of Grantor:
X Percy Leon Morgan
Percy Leon Morgan

ACKNOWLEDGMENT

additions and changes were present at the time the instrument was filed and recorded.

BEFORE ME, the undersigned authority,

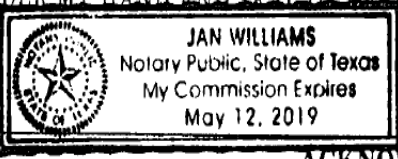
THE STATE OF TEXAS,
COUNTY OF HARRIS
on this day personally appeared

Percy Leon Morgan, a single man,

known to me to be the person whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN UNDER MY HAND AND SEAL OF OFFICE, This 31st day of July, A.D. 2017

(L.S.)

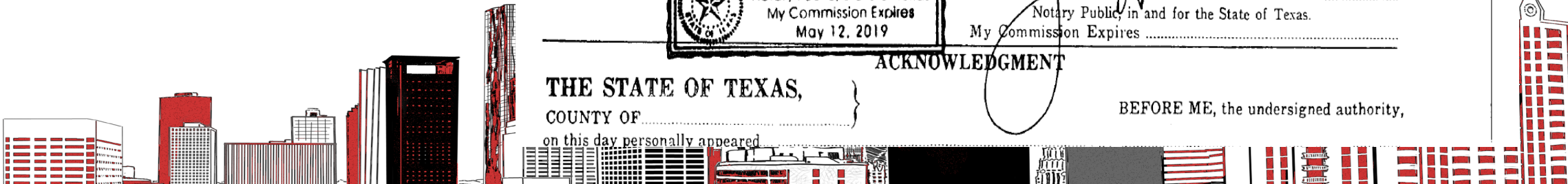


[Signature]
Notary Public, in and for the State of Texas.
My Commission Expires

ACKNOWLEDGMENT

THE STATE OF TEXAS,
COUNTY OF
on this day personally appeared

BEFORE ME, the undersigned authority,



Recording requested by: Jerry & Sandra Vallado Space above reserved for use by Recorder's Office
When recorded, mail to: _____ Document prepared by: _____
✓ Name: Jerrica Vallade Name Sandra Vallade
Address: 734 McDaniel Address 734 McDaniel
City/State/Zip: Houston, TX 77022 City/State/Zip Houston, TX 77022
Property Tax Parcel/Account Number: 065-106-008-0020

Quitclaim Deed

This Quitclaim Deed is made on February 14, 2007, between ⁽³⁾
Jerry & Sandra Vallade, Grantor, of 734 McDaniel
_____, City of Houston, State of Texas
and Jerrica Vallade, Grantee, of 734 McDaniel
_____, City of Houston, State of Texas

20R
see

For valuable consideration, the Grantor hereby quitclaims and transfers all right, title, and interest held by the Grantor in the following described real estate and improvements to the Grantee, and his or her heirs and assigns, to have and hold forever, located at 744 McDaniel
_____, City of Houston, State of Texas:

Lt. 20 BIK 8
Stratton Place
.2686 AC.

065-106-008-0020
Account Number

Subject to all easements, rights of way, protective covenants, and mineral reservations of record, if any.
Taxes for the tax year of 2007 shall be prorated between the Grantor and Grantee as of the date of recording of this deed.

EXHIBIT

B

Quitclaim Deed Pg.1 (11-12)

RP-2018-11271
01/08/2018 RP2 \$24.00

Quitclaim Deed

This Quitclaim Deed is made on February 14, 2007, between ⁽³⁾
Jerry & Sandra Vallade, Grantor, of 734 McDaniel ^{20R}
_____, City of Houston, State of Texas
and Jerrica Vallade, Grantee, of 734 McDaniel ^{see}
_____, City of Houston, State of Texas.



Initials:

sv/gv

February 14, 2007

Dated:

February

Signature of Grantor

Sandra Vallade & Jerry G. Vallade

Name of Grantor

Sandra Vallade / Jerry G. Vallade 106

Dorothy Newsom
Signature of Witness #1 TDL 06415711

Dorothy Newsom
Printed Name of Witness #1

Elijo Mendoza
Signature of Witness #2 08315547

Elijo Mendoza
Printed Name of Witness #2

State of

Texas

County of

Harris

On

February 14, 2007

, the Grantor,

Sandra & Jerry Vallade

personally came before me and, being duly sworn, did state and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Notary Signature

Valerie Rodriguez

Notary Public,

In and for the County of

Harris

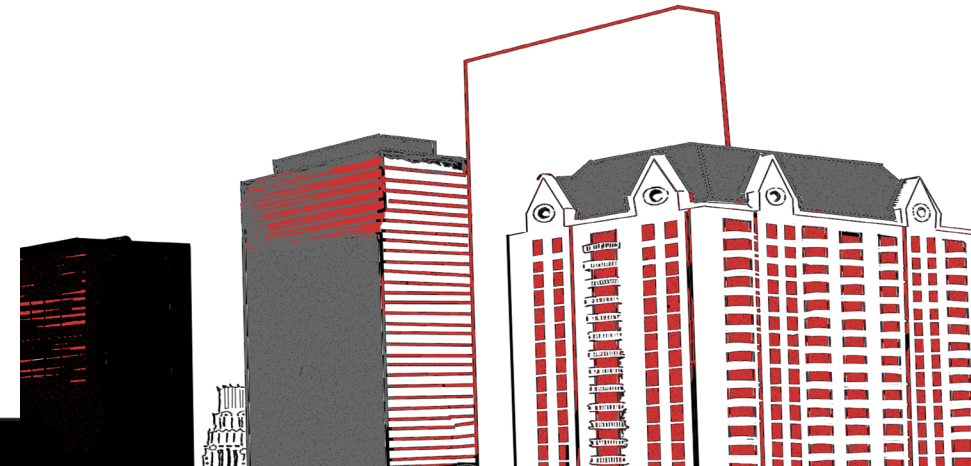
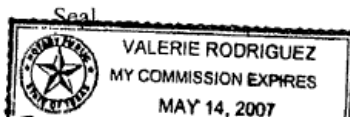
State of

Texas

My commission expires:

May 14, 2007

Send all tax statements to Grantee.

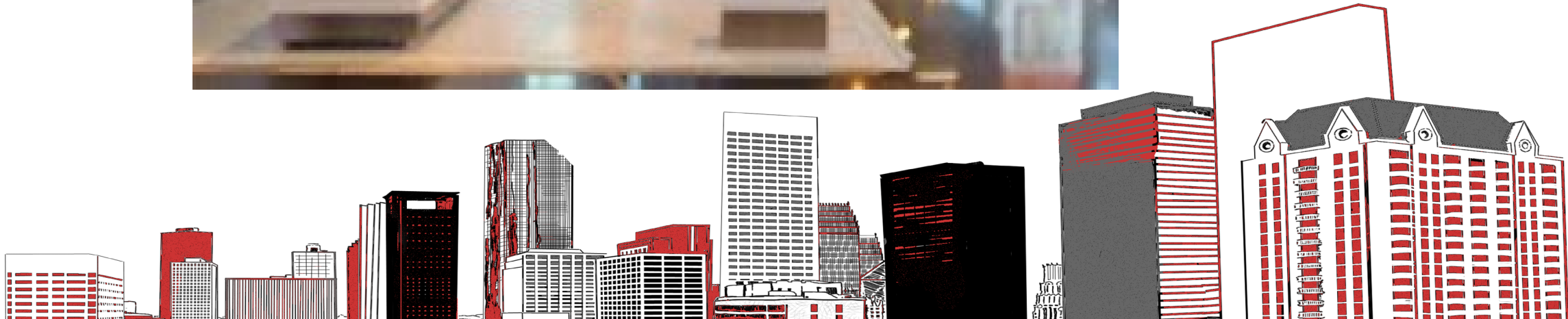




JERRY G. VALLADE, 78, of Houston, passed away on December 8, 2003, following a courageous battle with cancer. After

Vallade, Jr., and daughter Juanita Bryan. He is survived by: his wife, Sandra Vallade; daughters: Jerrica Vallade, Yvonne Lachausse, Geraldine Dick





RECORDING REQUESTED BY

AND WHEN RECORDED MAIL TO:

Jerrica Vallade ✓
734 Mc Daniel
Houston, TX 77022

Warranty Deed

This Deed is made by Sandra Vallade & Jerry Vallade, "Grantor(s)", to
Jerrica Vallade, "Grantee(s)", whose ~~post office~~ address
is 734 Mc Daniel, Houston, TX. 77022
as (select one):

- ☐ An Unmarried Sole Owner ☒ A Married Sole Owner ☐ A Single Sole Owner
☒ Joint Tenants ☐ Tenants in Common
☐ Community Property (only in AZ, ID, LA, NM, NV, TX, WA, and WI)
☐ Community Property with Right of Survivorship (only in AZ, ID, NV, and WI)

For valuable consideration in the sum of \$ 10⁰⁰ (ten), the receipt of which is hereby
acknowledged, Grantor(s) grant and convey and warrant to Grantee(s) the following real
property (the premises) located in Harris County/Parish,
_____:

LEGAL DESCRIPTION: 744 Mc Daniel St.
Lot 20 B1K8
Stratton Place, .2686 AC

PARCEL NUMBER: ACCT NO: 065-106-008-0020

EXHIBIT

C

20K
111

D



Grantor(s) covenant that he/she/they are lawfully seized in fee simple of the premises, which he/she/they have the right to sell and convey, and which are free from encumbrances except those of record. Further, Grantor(s) covenant that he/she/they will execute or procure any necessary further assurance of the title to said premises, and that he/she/they will warrant and defend the premises in the quiet and peaceable possession of the Grantee(s).

☐ This transfer is tax exempt because _____
☒ Taxes for the year 2018 shall be prorated between the Grantor(s) and Grantee(s) beginning on the date of recording.

Dated: June 20, 2018

Sandra Vallade
Signature of Grantor

Sandra Vallade - Jerry Vallade
Name of Grantor

Dorothy Newsom
Signature of Witness #1

Dorothy Newsom
Printed Name of Witness #1 TID# 06315947

Elija Mendoza
Signature of Witness #2

Elija Mendoza
Printed Name of Witness #2 TID# 08315547

State of Texas County of Harris
On 6-20-18, the Grantor, Sandra & Jerry Vallade
personally came before me and, being duly sworn, did state, acknowledge and prove that he/she is the person described in the above document and that he/she signed the above document in my presence.

Margaret Sheffield
Notary Signature

Notary Public,
In and for the County of Harris State of Texas
My commission expires: 7-23-2018

Seal



LF602 Warranty Deed Pg.2 (12-12)

RECORDER'S MEMORANDUM:
At the time of recording, this instrument was found to be inadequate for the best photographic reproduction because of illegibility, carbon or photo copy, discolored paper, etc. All blockouts, additions and changes were present at the time the instrument was filed and recorded.

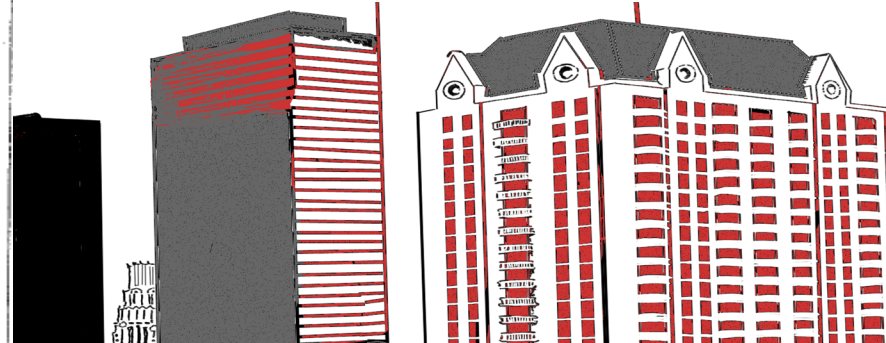
FILED FOR RECORD

3:56:42 PM

Monday, January 8, 2018

Stan Stenart

COUNTY CLERK, HARRIS COUNTY, TEXAS



STATE OF TEXAS §

COUNTY OF BEXAR §

§

Space ab

LADY BIRD DEED

This Transfer on Death Deed is pursuant to the provisions of the Act. In accordance with the provisions of the Uniform Real Property

Let it be known, that I Harvey Bruno Rompel, a (single individual)

Before me, Harvey Bruno Rompel with a verifiable photo identification DL#09995222 date of birth: 10/27/1932, proved to me to be the person whose name is subscribed to the foregoing instrument and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

Given under my hand and seal of office this 16th day of April, 2017

Harvey B Rompel 4-16-17
Harvey Bruno Rompel, Grantor Date

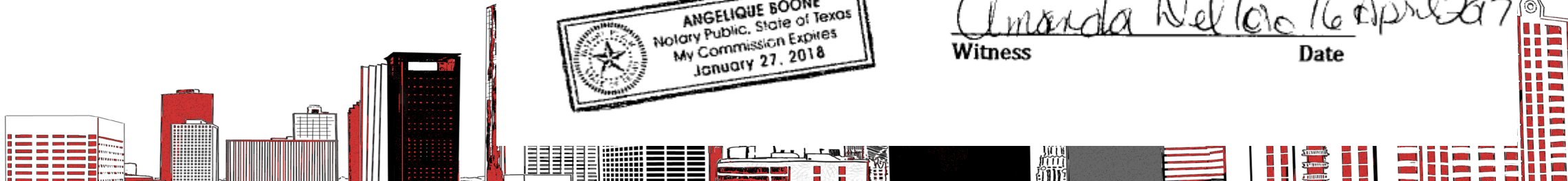
Roy A Garibay 4-16-2017
Grantee - Roy A. Garibay Date

Evangeline Garibay 16 April 17
Grantee- Evangeline Garibay Date

Amorinda Del Toro 16 April 2017
Witness Date

Angelique Boone 01/27/18
Notary Public Comm.Exp.

NOTARY STAMP



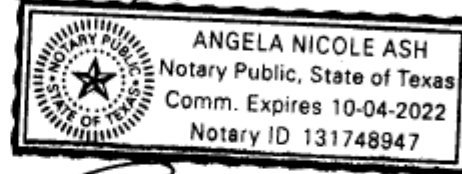


photographs of evidence for the building repairs and improvements of the two locations in questions 12137
Wetmore & 10601/10603 Nacogdoches San Antonio Texas.

BINDING EFFECT. The provisions of this Lease to Purchase shall be binding upon and inure to the benefit of both parties Landlord/Seller & Tenants and their respective representatives, successors and assigns.

LANDLORD: *Before Me Personally verified the following individuals in Bexar County:*

Harvey Bruno Rompe
DL # 89995222 exp 10/27/12
SS# [REDACTED] 6154
Roy Albert Garibay
DL # 19676493 exp 2-17-20
SS# [REDACTED] 4084



[Signature] 11-8-2014

[Signature] Date: November 08, 2016

Bruno Rompel ETAL-Harvey Rompel

TENANTS:

[Signature] Date: November 08, 2016

Roy A. Garibay



00015100

LANDLORD:

Before Me Personally verified the following individuals in Bexar County:

Harvey Bruno Rompel

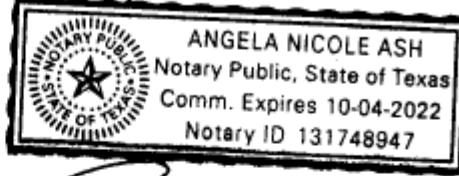
DL # 89995222 exp 10/27/12

SS# [REDACTED] 6154

Roy Albert Garibay

DL # 19676493 exp 2-17-20 X

SS# [REDACTED] 4084



[Signature] 11-8-2014

[Signature]

Date: November 08, 2016

Bruno Rompel ETAL-Harvey Rompel

TENANTS:

[Signature]

Date: November 08, 2016

Roy A. Garibay

Name: Angela Nicole Ash - ID: 131748947

Address:

[REDACTED]
San Antonio, Tx 78232

Expires:

Oct 04, 2022

County:

Bexar

Agency:

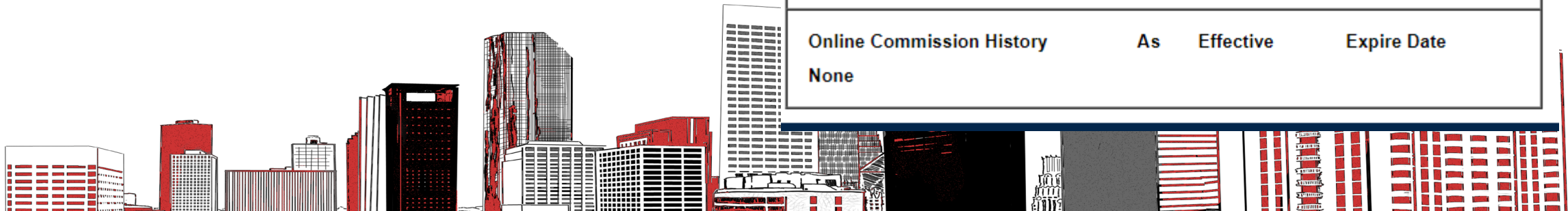
American Association Of Notaries Inc

Surety Company:

Western Surety Company

History	As	Effective	Expire Date
Commissioned Notary Public	Angela Nicole Ash	10/04/2018	10/04/2022

Online Commission History	As	Effective	Expire Date
None			



IN THE STATE OF TEXAS;

County of Bexar; Before me Personally appeared the following said individual (s)
with proper documentation and verification.

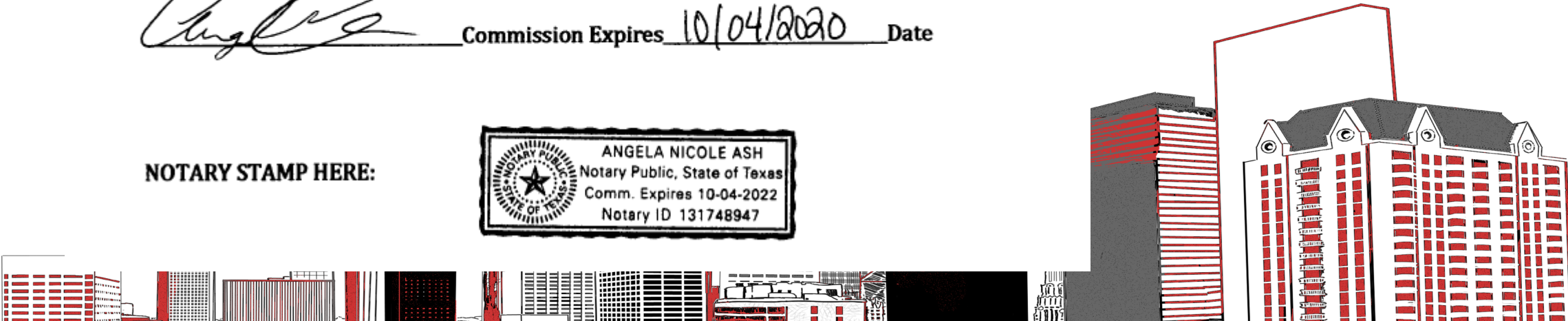
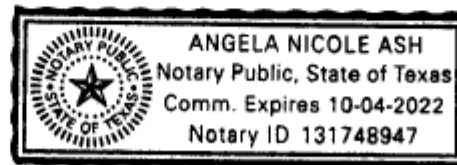
GRANTOR: Alicia Chavez Galvan (Alicia Chavez Galvan)

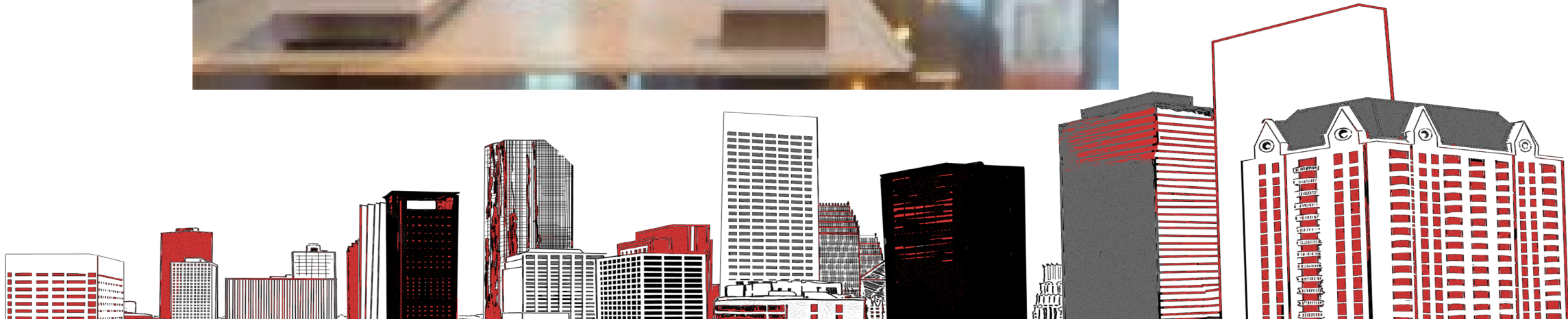
GRANTEE: [Signature] (Evangelina Galvan Garibay)

Notary Public:

[Signature] Commission Expires 10/04/2022 Date

NOTARY STAMP HERE:





THIS SPACE PROVIDED FOR RECORDER'S USE ONLY:

WHEN RECORDED RETURN TO:
JAMES HARRIS
7201 REGENCY SQUARE
HOUSTON, Texas, 77036

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records office: your Social Security number or your driver's license number. Texas Public Records Code Section 11.008.

THE GRANTOR(S),

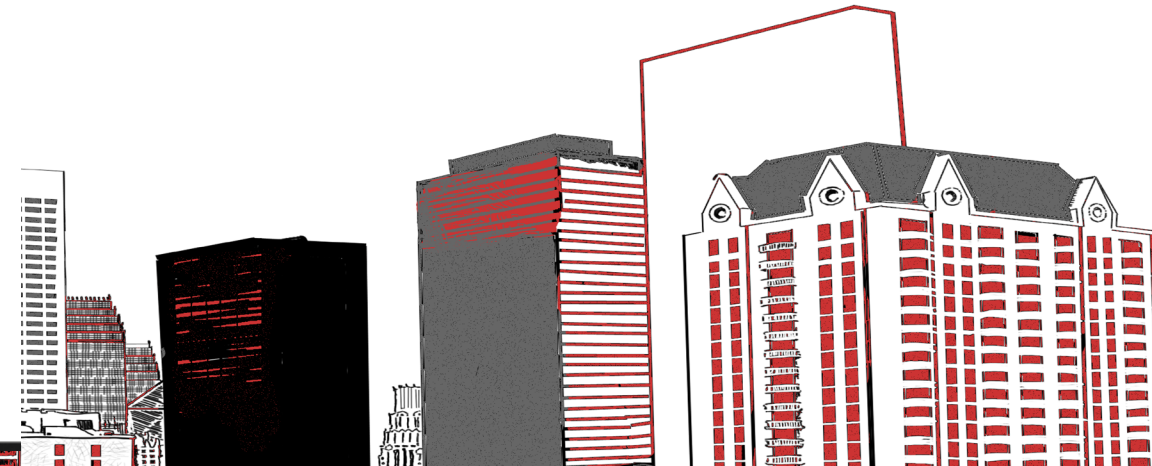
- FLORVILLE L DUZANT, a single person,

for and in consideration of: One Dollar (\$1.00) and other good and valuable consideration grants, bargains, sells, conveys and warranties to the GRANTEE(S):

- DAVID ESKAN, 2827 GREEN FIELDS DR, HOUSTON, HARRIS County, Texas, 77095,

the following described real estate, situated at 10614 DUNVEGAN WAY, HOUSTON, in the County of HARRIS, State of Texas:

(legal description): LT 4 BLK 14 SONGWOOD SEC 5



Grantor Signatures:

DATED: 04/10/1986

Florville DuZant.

FLORVILLE L DUZANT
10614 DUNVEGAN WAY
HOUSTON, Texas, 77013

STATE OF TEXAS, COUNTY OF HARRIS, ss:

This instrument was acknowledged before me on this 10th day of April,
1986 by FLORVILLE L DUZANT.



KELA ATCHLEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 2-20-90

Kela Atchley
NOTARY PUBLIC, STATE OF TEXAS
My commission expires:



WHEN RECORDED RETURN TO:
JAMES HARRIS
7201 REGENCY SQUARE
HOUSTON, Texas, 77036

WARRANTY DEED

NOTICE OF CONFIDENTIALITY RIGHTS: If you are a natural person, you may remove or strike any or all of the following information from any instrument that transfers an interest in real property before it is filed for record in the public records office: your Social Security number or your driver's license number. Texas Public Records Code Section 11.008.

THE GRANTOR(S),
- FLORVILLE L DUZANT, a single person,

Grantor Signatures:

DATED: 04/10/1986
Florville Duzant.
FLORVILLE L DUZANT
10614 DUNVEGAN WAY
HOUSTON, Texas, 77013

STATE OF TEXAS, COUNTY OF HARRIS, ss:

This instrument was acknowledged before me on this 10th day of April,
1986 by FLORVILLE L DUZANT.



KELA ATCHLEY
NOTARY PUBLIC STATE OF TEXAS
COMMISSION EXPIRES 2-20-90

Kela Atchley
NOTARY PUBLIC, STATE OF TEXAS
My commission expires:



Surprise! There's a Deed in the Desk!



The Trouble With Pocket Deeds

- ◆ No Delivery by Grantor or Acceptance by Grantee
 - ◆ Use of a third party to hold the deed (not the desk drawer)
- ◆ Questions about post-mortem recordation
- ◆ Not protected from additional grantees



Transfer on Death Deeds

- ◆ Estates Code Chapter 114
- ◆ Very Similar to a Lady Bird Deed // Enhanced Life Estate Deed
- ◆ Recorded and/or Revoked before death
- ◆ May NOT be executed by a Power of Attorney



Trespass to Try Title



Statutory Procedure: Property Code Chapter 22

- ▶ Method of Trying title to lands, tenements, and other real property
- ▶ Plaintiff may recover by:
 - ▶ Proving a regular chain of conveyances from the sovereign;
 - ▶ Proving a superior title out of a common source;
 - ▶ Proving title by limitations; or
 - ▶ Proving prior possession and that the possession has not been abandoned.



Necessary Parties

- Plaintiff: party asserting a lawful right of possession to property
- Defendant: party in possession
- BUT - while not all parties claiming an interest must be joined, you should join them.



Claim for Improvements: Property Code sec. 22.021

- ▶ Good faith possessor
- ▶ Made permanent and valuable improvements
- ▶ Can recover:
 - ▶ Amount by which the estimated improvements exceeds the value of the use and occupation of the property
- ▶ Defendant is liable for the value of his use and occupation of the property





Lis Pendens:

Put the world on notice of your
claim



What is it?

- ▶ Affidavit filed in the real property records
- ▶ Announces that lawsuit involving title to real property is pending
- ▶ Protects filing party's alleged rights to the disputed property
- ▶ Puts others interested in the property on notice of the lawsuit



When does it apply?

- ▶ Property itself must be the subject of the lawsuit
- ▶ Pendency of an action involving title to real property
- ▶ The establishment of an interest in real property
- ▶ The enforcement of an encumbrance against real property



Texas Property Code Sec.
12.007(a)



Requirements of the Lis Pendens

- ▶ The style and number, if any, of the proceeding
- ▶ The court in which the proceeding is pending;
- ▶ The names of the parties;
- ▶ The kind of proceeding; and
- ▶ A description of the property affected.

Texas Property Code Sec. 12.007(b)

- ▶ Must serve a copy of the notice on each party to the action who has interest in the real property affected by the notice.

Texas Property Code Sec. 12.007(d)



Not a Lien -- But Will Stop a Sale

- ▶ Extinguishes any claim by a bona fide purchaser
- ▶ A “recorded lis pendens is notice to the world of its contents.” Tex. Property Code sec. 13.004(a).
- ▶ Purchaser would take subject to the litigation



Duration of a Lis Pendens

- ▶ Operates only during the pendency of the underlying suit.
- ▶ Can be extended by motion for new trial.
- ▶ Once the underlying lawsuit has concluded, the lis pendens is no longer effective.



Cancellation of a Lis Pendens

- ▶ No real property claim
- ▶ The claimant fails to establish by a preponderance of the evidence the probable validity of the real property claim;
- ▶ No notice given under section 12.007(d).

Texas Property Code Sec. 12.071(c).



Effect of Cancelled/Expunged Lis Pendens

- ▶ Lis pendens no longer acts as constructive or actual notice of any matter contained in the notice;
- ▶ Does not create any duty of inquiry;
- ▶ Affect the validity of a conveyance or mortgage to a BFP.

Texas Property Code Sec. 12.0071 (f)



Further Questions?

Cassie McGarvey

713.242.1746

cmcgarvey@mcgarveypllc.com

3220 Broadway, Suite 200
Houston, Texas 77017

907 S. Friendswood Drive, Suite 211
Friendswood, Texas 77546

