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How to Complete Your New York Bargain and Sale Deed with Covenant

Bargain and Sale Deed with Covenant — New York (Real Property Law § 258)

INSTRUCTIONS — KEEP FOR YOUR RECORDS. DO NOT ATTACH THIS PAGE TO YOUR FORM.

About this form. The most common deed in New York sales. The seller transfers the property and promises only that **the seller** has done nothing to encumber it. It is New York's version of a special warranty deed, and the deed most title companies expect.

1. **Enter the parties and date**

   Enter the full legal names and addresses of the grantor (current owner) and grantee (new owner) exactly as they should appear on title. For two or more grantees, state how they will hold title.

2. **Describe the property**

   Copy the **legal description** exactly from the current deed, along with the premises address, the tax map designation (Section, Block, Lot) and the prior deed's recording reference. You can attach the description as Schedule A.

3. **Fill in the recording header**

   Enter the "Record and Return To" name and address. Leave the space on the right blank for the County Clerk.

4. **Sign before a notary**

   Do **not** sign ahead of time. Every grantor signs before a notary with a current government-issued photo ID. Signing outside New York? The notary completes the out-of-state certificate (RPL 309-b) instead. **First Choice notaries handle both.**

5. **Prepare the transfer forms and record**

   Most deeds must be filed with New York State form **TP-584** (transfer tax return) and, outside New York City, form **RP-5217** (real property transfer report). Sellers who are not New York residents may also need form **IT-2663**. In New York City, deeds are recorded through **ACRIS** with the City Register.

Recording Your Deed

- The grantee receives limited protection: the seller guarantees only against problems the seller created. Title insurance protects against the rest.
- Record the deed with the County Clerk where the property is located (in New York City, the City Register). Your county may require additional forms, such as a smoke and carbon monoxide detector affidavit.
- Transfer tax may be due, including the additional "mansion tax" on residential purchases of $1 million or more. Tax forms are filed even when an exemption applies.
- Before transferring property that has a mortgage, check with the lender. Talk with a tax professional about property tax and capital gains effects.
- Need it for use abroad, or signing from overseas? We handle notarization, county clerk certification and apostilles.

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Have questions about this form? To consult with an attorney, contact **Gavrilov & Brooks Law Firm** at **(916) 504-0529** or **www.gavrilovlaw.com**, 2315 Capitol Avenue, Sacramento, CA 95816. **Attorneys licensed in New York.** Main headquarters in Sacramento, California.

This form is provided as a free convenience. First Choice Mobile Notary & Apostille is not a law firm, and a notary public cannot give legal advice or help you decide what to write on this form. These instructions are general information only and are not legal advice. If you have questions about your situation, consult a licensed New York attorney.

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RECORD AND RETURN TO:

Space above this line reserved
for the County Clerk / City Register

Tax Map Designation —

Section/District | Block | Lot | County / Town

BARGAIN AND SALE DEED

With Covenant Against Grantor's Acts (Real Property Law § 258)

THIS INDENTURE, made the _____ day of _____, 20____,

BETWEEN _____

residing at _____,
party of the first part (Grantor), and

_____

residing at _____,

as _____,

manner of title if more than one grantee, e.g., tenants by the entirety, joint tenants with right of survivorship, tenants in common

party of the second part (Grantee),

WITNESSETH, that the party of the first part, in consideration of _____

dollars ($_____), lawful money of the United States, and other valuable consideration paid by the party of the second part, does hereby grant and release unto the party of the second part, the heirs or successors and assigns of the party of the second part forever,

ALL that certain plot, piece or parcel of land, with the buildings and improvements thereon erected, situate, lying and being

in the _____, County of _____, State of New York,

City / Town / Village of ...

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more particularly described as follows (or see Schedule A attached):

Premises known as: _____

BEING the same premises conveyed to the party of the first part by deed dated _____ recorded _____ in Liber / Page or CRFN _____.

SUBJECT TO (if any): _____

TOGETHER with all right, title and interest, if any, of the party of the first part in and to any streets and roads abutting the above described premises to the center lines thereof; **TOGETHER** with the appurtenances and all the estate and rights of the party of the first part in and to said premises; **TO HAVE AND TO HOLD** the premises herein granted unto the party of the second part, the heirs or successors and assigns of the party of the second part forever.

AND the party of the first part covenants that the party of the first part has not done or suffered anything whereby the said premises have been incumbered in any way whatever, except as aforesaid.

AND the party of the first part, in compliance with Section 13 of the Lien Law, covenants that the party of the first part will receive the consideration for this conveyance and will hold the right to receive such consideration as a trust fund to be applied first for the purpose of paying the cost of the improvement and will apply the same first to the payment of the cost of the improvement before using any part of the total of the same for any other purpose.

The word "party" shall be construed as if it read "parties" whenever the sense of this indenture so requires.

IN WITNESS WHEREOF, the party of the first part has duly executed this deed the day and year first above written.

Grantor signature

Printed name of grantor

In presence of (witness, optional)

Grantor signature

Printed name of grantor

Printed name of witness

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ACKNOWLEDGMENT IN NEW YORK (Real Property Law § 309-a)

State of New York)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

_____

Signature and office of individual taking acknowledgment

Notary Public, State of New York; Qualified in _____ County

Registration No. _____; Commission Expires _____

(Notary stamp)

ACKNOWLEDGMENT OUTSIDE NEW YORK (Real Property Law § 309-b)

Use this certificate instead of the New York certificate if the document is signed outside New York State.

State (or District / Country) of _____)
) ss.:
County of _____)

On the _____ day of _____ in the year _____ before me, the undersigned, personally appeared _____ personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument, and that such individual made such appearance before the undersigned in _____.

insert the city or other political subdivision and the state or country or other place the acknowledgment was taken

_____

Signature and office of individual taking acknowledgment

(Notary seal or stamp)

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