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Key Terms in a Deed

DISCLAIMER: This outline is a general guide. Be sure to contact an attorney if you have questions or specific issues that need to be addressed.

Purchasing property, either residential or commercial, is a big step and can be intimidating. Mistakes in a deed can lead to issues when you go to sell, transfer, or pass down your property. Understanding the key terms of a deed can help you ensure you are receiving the correct property and all of the property rights that go along with it. In this resource, we lay out the key items to look for in a deed.

1. **Grantor.** The Grantor is the person or persons who is selling or granting away the property. This person currently owns the property and will be the party signing the deed on the last page. Once the Grantor(s) sign, the deed is considered effective and is ready to be recorded.
2. **Grantee.** The Grantee is the person who is purchasing or receiving the property. This person will provide consideration for the transfer to the Grantor and will become the new owner of the property once the Grantor signs the deed.
3. **Purchase Price.** The Purchase Price is the consideration paid by the Grantee to the Grantor. This amount must be stated on the deed and accurately reflect the amount paid for the property. The purchase price may also be what is known as “nominal consideration.” Nominal consideration will typically be stated as either \$1.00 or \$10.00 and is most commonly used when the transaction is exempt from transfer tax under PA law, such as when there is a transfer of property between family members, when an owner adds their spouse to the deed, when property is transferred into or out of a trust, or is passed from the owner’s estate to their heirs.
4. **Parcel Identification Number.** Each piece of land is made up of one or multiple “parcels” of land. Each parcel of land is then assigned a Parcel Identification Number, commonly referred to as the “PIN”. The PIN is assigned by the state, county, or relevant government entity to each parcel of land. The property you are purchasing may be made up of one or multiple parcels of land. The PIN is used by the State and County to locate records and information about a piece of land.
5. **Legal Description of Property.** The legal description of the property is one of the most crucial parts of a deed. This identifies, by description, which parcel or parcels of land are being conveyed by the deed. You will either see the legal description in the body of the deed or attached as an exhibit to the document. The legal description can be as simple as naming the lot, block, and subdivision where the property is located or as complicated as what is known as a “metes and bounds” description, so long as the description matches the previous deed or survey completed for the property. A metes and bounds legal description will include a point of beginning and then will measure the property boundaries using degrees, feet, minutes, and direction. Whether it is metes and bounds or a simpler description, the legal description will always state the county and state where the property is located. Without a legal description, most counties will not accept a deed for recording, as it will be hard to identify exactly which properties are being conveyed.

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6. **Prior Vesting Deed Information.** The deed will also list what is called a “vesting clause.” This clause outlines the execution date, recording date and information, as well as the grantor and grantee from the most recent transfer for the particular property. Importantly, this clause outlines the information regarding how the Grantor on your deed obtained title to the property. Through these vesting clauses, the chain of title is created. A chain of title allows a purchaser, government body, or other party to look at who has owned the property and ensure you are receiving clear and marketable title to the property, and rules out any potential claims.
7. **Bituminous Coal Disclosure.** In Pennsylvania, most of the rights to the coal underneath a property are no longer held by the person who owns the surface rights to the property. This is especially true in Western Pennsylvania, where coal mining was the primary industry for a significant time. Because of this, you will see a bolded or red (or both) paragraph in your deed addressing this situation. This paragraph is required under Pennsylvania law, and the Grantee must sign the deed acknowledging they have read and been made aware of this provision. The paragraph will look like this:

NOTICE: THIS DOCUMENT MAY NOT/DOES NOT SELL, CONVEY, TRANSFER, INCLUDE OR INSURE THE TITLE TO THE COAL AND RIGHT OF SUPPORT UNDERNEATH THE SURFACE LAND DESCRIBED OR REFERRED TO HEREIN, AND THE OWNER OR OWNERS OF SUCH COAL MAY HAVE/HAVE THE COMPLETE LEGAL RIGHT TO REMOVE ALL OF SUCH COAL AND, IN THAT CONNECTION, DAMAGE MAY RESULT TO THE SURFACE OF THE LAND AND ANY HOUSE, BUILDING OR OTHER STRUCTURE ON OR IN SUCH LAND. THE INCLUSION OF THIS NOTICE DOES NOT ENLARGE, RESTRICT OR MODIFY ANY LEGAL RIGHTS OR ESTATES OTHERWISE CREATED, TRANSFERRED, EXCEPTED OR RESERVED BY THIS INSTRUMENT. (This notice is set forth in the manner provided in Section 1 of the Act of July 17, 1957, P.L. 984, as amended, and is not intended as notice of unrecorded instruments, if any.)

The deed is a crucial document you will receive during the purchase process. Purchasing property can be a scary and overwhelming process, which is why we recommend engaging with an attorney to check your purchase documents. Lawyers know what to look for, commonly negotiated terms, and how to approach the property buying process. Use this resource to help you understand the process and your deed, but hire a lawyer before signing.

Feel free to check out more about Trellis Legal at www.trellispgl.com!