

Making Changes to a Deed

*This information is intended to provide general information.
It is not intended to be legal advice or to take the place of advice from an attorney.*

This information is for homeowners who already have their name on the deed to their home (are “on title” or the “record owner” of their home). **Once you make a change to your deed, you cannot undo that change unless all of the new “grantees” (owners listed on the last deed) agree.** The information below explains when changes to a deed can be helpful and when they can cause more problems.

When is it a good idea to add someone’s name to my deed?

You should only add someone’s name to your deed if you want that person to act as an owner of the property along with you.

- *For example*, if your daughter has moved into your home, plans to live there with you for a long time, and is going to help you pay for real estate taxes and repairs, it may make sense to add her name onto your deed.
- *But* if your daughter is just helping you pay your bills, or if she is just moving in temporarily for a year while she looks for a new job, it probably does not make sense to add her name onto your deed.

Remember: Once you add someone’s name to your deed, you cannot remove it unless that person agrees to it.

When is it a good idea to give title of my home (sign a deed over) to someone else?

You should only give title of your home to someone else (by signing a deed) if you no longer want to be the owner of your home.

- *For example*, if you have decided that your home is too much to keep up with and you have found a rental apartment you want to move into, it may be a good idea to give title of your home to someone else.
- *But* if you want to keep living in your home, and just want to make sure that a certain family member gets your home once you pass away, it probably does not make sense to give away title to your home.

Remember: Once you give away title of your home, you cannot get it back unless the person you gave it to agrees and signs a deed back to you.

Can’t I make sure that my loved ones don’t have to go through probate/estate administration, pay inheritance tax, or deal with my creditors if I just give the deed to them now while I’m alive?

Not necessarily. For example:

- If you add someone onto your deed as a “joint tenant with right of survivorship,” and you pass away first, your co-owner is still supposed to pay inheritance tax on the 50% of the property that you owned.

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- If you owe money to creditors – like credit card companies – that already have a judgment against you in court, or if you are behind on your real estate taxes, giving your home to someone else does not protect your home from those debts. The creditors or the City of Philadelphia can still come after your home, even if you’ve signed a deed over to someone else.
- If you try to qualify for Medical Assistance for nursing home or home-based care, you may be disqualified if you gave away your home for less than its real value in the last few years.

Do I have options other than adding someone to my deed or giving away title of my home?

YES! Here are a few other options for handling title to your home. There are others as well, which an attorney or legal services agency can discuss with you.

- *Give Power of Attorney to a family member who is helping you with your home.*
 - If a family member is helping you pay your bills and maintain your home, it may be helpful to make them your “agent” under a Power of Attorney, so that they have legal permission to act on your behalf.
 - If you sign a Power of Attorney over to someone to act as your agent, you can still do everything you would normally do as a homeowner; it does not take away your power. It simply gives additional power to the agent to also act on your behalf.
 - **But** you should be **very careful** about who you sign a Power of Attorney over to. Agents (even ones who are family members) sometimes use Powers of Attorney to take advantage of people, and it can be very hard to undo something that an agent has done – like sell your property to someone else.
- *Make a Will.*
 - If you want to make sure that a certain family member gets your home when you die, the best way to do that is not to add them to the deed while you’re alive and not to give them title while you’re alive.
 - Instead, the best way to make sure that family member gets your home is to leave a Will that gives that person your home.

How Can I Get Help from a Lawyer?

If you have questions or need help going through the probate and estate administration process, you may contact one of these legal services agencies:

Community Legal Services (CLS)		Philadelphia Legal Assistance (PLA)	SeniorLAW Center <i>(for people age 60 or older)</i>
1424 Chestnut Street Philadelphia, PA 19102 (215) 981-3700	1410 W. Erie Avenue Philadelphia, PA 19140 (215) 227-2400	The Cast Iron Building 718 Arch St, Ste 300N Philadelphia, PA 19106 (215) 981-3800	2 Penn Center 1500 JFK Blvd, Ste 1501 Philadelphia, PA 19102 (215) 988-1244