

REVISOR'S NOTE: This section presently appears as Art. 21, §5-104 of the Code. The phrase "deed conveying property" is proposed for deletion as unnecessary in light of the definition of "deed" in §1-101(c).

New language is added to indicate that this covenant creates a rebuttable presumption. The phrase "his heirs, devisees, personal representatives, assigns, etc." is proposed for deletion in this and subsequent sections because the provisions of §1-103 render the phrase unnecessary.

The only other changes are in style.

2-105. EFFECT OF GENERAL WARRANTY.

A COVENANT BY THE GRANTOR IN A DEED, "THAT HE WILL WARRANT GENERALLY THE PROPERTY HEREBY GRANTED," HAS THE SAME EFFECT AS IF THE GRANTOR HAD COVENANTED THAT HE WILL WARRANT FOREVER THE PROPERTY TO THE GRANTEE AGAINST EVERY LAWFUL CLAIM AND DEMAND OF ANY PERSON.

REVISOR'S NOTE: This section presently appears as Art. 21, §5-105 of the Code. The phrase "deed conveying property" is proposed for deletion as unnecessary in light of the definition of "deed" in §1-101(c). The word "conveyed" is proposed for deletion in light of the definition of "grant" in §1-101(e). This revision, however, is not intended to prohibit the use of "conveyed" in a form. The phrase "his heirs, devisees, and personal representatives" is proposed for deletion as unnecessary in light of §1-103. The only other changes are in style.

2-106. EFFECT OF SPECIAL WARRANTY.

A COVENANT BY A GRANTOR IN A DEED, "THAT HE WILL WARRANT SPECIALLY THE PROPERTY HEREBY GRANTED," HAS THE SAME EFFECT AS IF THE GRANTOR HAD COVENANTED THAT HE WILL WARRANT FOREVER AND DEFEND THE PROPERTY TO THE GRANTEE AGAINST ANY LAWFUL CLAIM AND DEMAND OF THE GRANTOR AND EVERY PERSON CLAIMING OR TO CLAIM BY, THROUGH, OR UNDER HIM.

REVISOR'S NOTE: This section presently appears as Art. 21, §5-106 of the Code. The phrase "conveying property" is proposed for deletion as superfluous in light of the definition of "deed" in §1-101(c). The word "conveyed" is proposed for deletion in light of the