

SENATE BILL 101

N2, N1

5lr1153
CF 5lr0628

By: **Senator Manno**

Introduced and read first time: January 26, 2015

Assigned to: Judicial Proceedings

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Uniform Real Property Transfer-on-Death (TOD) Act**

3 FOR the purpose of establishing the Maryland Uniform Real Property
4 Transfer-on-Death (TOD) Act; providing for the construction of this Act; authorizing
5 an individual to transfer certain property to one or more beneficiaries effective at the
6 transferor's death by a transfer-on-death deed; establishing that a
7 transfer-on-death deed is revocable and nontestamentary; providing that the
8 capacity required to make or revoke a transfer-on-death deed is the same as that
9 required to make a will; establishing the requirements of a transfer-on-death deed;
10 providing that notice, delivery, acceptance, or consideration are not required for a
11 transfer-on-death deed; providing for the revocation of a transfer-on-death deed;
12 providing for the effect of a transfer-on-death deed during the life of the transferor;
13 providing for the effect of a transfer-on-death deed at the death of the transferor;
14 authorizing a beneficiary to make a certain disclaimer; providing for certain creditor
15 claims and statutory allowances; providing for the application of this Act; providing
16 for the citation of this Act; providing certain statutory forms that may be used to
17 create a transfer-on-death deed and a revocation of a transfer-on-death deed;
18 defining certain terms; and generally relating to transferring real estate on death.

19 BY adding to

20 Article – Estates and Trusts

21 Section 18–101 through 18–202 to be under the new title “Title 18. Maryland
22 Uniform Real Property Transfer-on-Death (TOD) Act”

23 Annotated Code of Maryland

24 (2011 Replacement Volume and 2014 Supplement)

25 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
26 That the Laws of Maryland read as follows:

27 **Article – Estates and Trusts**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **TITLE 18. MARYLAND UNIFORM REAL PROPERTY TRANSFER-ON-DEATH (TOD)**
2 **ACT.**

3 **SUBTITLE 1. GENERAL PROVISIONS.**

4 **18-101.**

5 (A) IN THIS TITLE THE FOLLOWING WORDS HAVE THE MEANINGS
6 INDICATED UNLESS THE CONTEXT OTHERWISE REQUIRES.

7 (B) "BENEFICIARY" MEANS A PERSON THAT RECEIVES PROPERTY UNDER A
8 TRANSFER-ON-DEATH DEED.

9 (C) "DESIGNATED BENEFICIARY" MEANS A PERSON DESIGNATED TO
10 RECEIVE PROPERTY UNDER A TRANSFER-ON-DEATH DEED.

11 (D) (1) "JOINT OWNER" MEANS AN INDIVIDUAL WHO OWNS PROPERTY
12 CONCURRENTLY WITH ONE OR MORE OTHER INDIVIDUALS WITH A RIGHT OF
13 SURVIVORSHIP.

14 (2) "JOINT OWNER" INCLUDES A JOINT TENANT AND TENANT BY THE
15 ENTIRETY.

16 (3) "JOINT OWNER" DOES NOT INCLUDE A TENANT IN COMMON OR
17 OWNER OF COMMUNITY PROPERTY WITHOUT A RIGHT OF SURVIVORSHIP.

18 (E) "PROPERTY" MEANS AN INTEREST IN REAL PROPERTY LOCATED IN THE
19 STATE THAT IS TRANSFERABLE ON THE DEATH OF THE OWNER.

20 (F) "TRANSFER-ON-DEATH DEED" MEANS A DEED AUTHORIZED UNDER
21 THIS TITLE.

22 (G) "TRANSFEROR" MEANS AN INDIVIDUAL WHO MAKES A
23 TRANSFER-ON-DEATH DEED.

24 **18-102.**

25 THIS TITLE DOES NOT AFFECT ANY METHOD OF TRANSFERRING PROPERTY
26 OTHERWISE ALLOWED UNDER THE LAW OF THE STATE.

27 **18-103.**

1 AN INDIVIDUAL MAY TRANSFER PROPERTY TO ONE OR MORE BENEFICIARIES
2 EFFECTIVE AT THE DEATH OF THE TRANSFEROR BY A TRANSFER-ON-DEATH DEED.

3 18-104.

4 A TRANSFER-ON-DEATH DEED IS REVOCABLE EVEN IF THE DEED OR
5 ANOTHER INSTRUMENT CONTAINS A CONTRARY PROVISION.

6 18-105.

7 A TRANSFER-ON-DEATH DEED IS NONTESTAMENTARY.

8 18-106.

9 THE CAPACITY REQUIRED TO MAKE OR REVOKE A TRANSFER-ON-DEATH
10 DEED IS THE SAME AS THE CAPACITY REQUIRED TO MAKE A WILL.

11 18-107.

12 A TRANSFER-ON-DEATH DEED SHALL:

13 (1) EXCEPT AS OTHERWISE PROVIDED IN ITEM (2) OF THIS SECTION,
14 CONTAIN THE ESSENTIAL ELEMENTS AND FORMALITIES OF A PROPERLY
15 RECORDABLE INTER VIVOS DEED;

16 (2) STATE THAT THE TRANSFER TO THE DESIGNATED BENEFICIARY IS
17 TO OCCUR AT THE DEATH OF THE TRANSFEROR; AND

18 (3) BE RECORDED BEFORE THE DEATH OF THE TRANSFEROR IN THE
19 PUBLIC RECORDS IN THE OFFICE OF THE CLERK FOR THE CIRCUIT COURT FOR THE
20 COUNTY WHERE THE PROPERTY IS LOCATED.

21 18-108.

22 A TRANSFER-ON-DEATH DEED IS EFFECTIVE WITHOUT:

23 (1) NOTICE OR DELIVERY TO OR ACCEPTANCE BY THE DESIGNATED
24 BENEFICIARY DURING THE LIFE OF THE TRANSFEROR; OR

25 (2) CONSIDERATION.

26 18-109.

1 **(A) THIS SECTION DOES NOT LIMIT THE EFFECT OF AN INTER VIVOS**
2 **TRANSFER OF THE PROPERTY.**

3 **(B) SUBJECT TO SUBSECTION (C) OF THIS SECTION, AN INSTRUMENT IS**
4 **EFFECTIVE TO REVOKE A RECORDED TRANSFER-ON-DEATH DEED, OR ANY PART OF**
5 **THE DEED, ONLY IF THE INSTRUMENT:**

6 **(1) IS ONE OF THE FOLLOWING:**

7 **(I) A TRANSFER-ON-DEATH DEED THAT REVOKES THE DEED**
8 **OR PART OF THE DEED EXPRESSLY OR BY INCONSISTENCY;**

9 **(II) AN INSTRUMENT OF REVOCATION THAT EXPRESSLY**
10 **REVOKES THE DEED OR PART OF THE DEED; OR**

11 **(III) AN INTER VIVOS DEED THAT EXPRESSLY REVOKES THE**
12 **TRANSFER-ON-DEATH DEED OR PART OF THE DEED; AND**

13 **(2) IS ACKNOWLEDGED BY THE TRANSFEROR AFTER THE**
14 **ACKNOWLEDGMENT OF THE DEED BEING REVOKED AND RECORDED BEFORE THE**
15 **DEATH OF THE TRANSFEROR IN THE PUBLIC RECORDS IN THE OFFICE OF THE CLERK**
16 **OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE DEED IS RECORDED.**

17 **(C) IF A TRANSFER-ON-DEATH DEED IS MADE BY MORE THAN ONE**
18 **TRANSFEROR:**

19 **(1) REVOCATION BY A TRANSFEROR DOES NOT AFFECT THE DEED AS**
20 **TO THE INTEREST OF ANOTHER TRANSFEROR; AND**

21 **(2) A DEED OF JOINT OWNERS IS REVOKED ONLY IF THE DEED IS**
22 **REVOKED BY ALL OF THE LIVING JOINT OWNERS.**

23 **(D) AFTER A TRANSFER-ON-DEATH DEED IS RECORDED, THE DEED MAY**
24 **NOT BE REVOKED BY A REVOCATORY ACT ON THE DEED.**

25 **18-110.**

26 **DURING THE LIFE OF A TRANSFEROR, A TRANSFER-ON-DEATH DEED DOES**
27 **NOT:**

28 **(1) AFFECT AN INTEREST OR RIGHT OF THE TRANSFEROR OR**
29 **ANOTHER OWNER, INCLUDING THE RIGHT TO TRANSFER OR ENCUMBER THE**
30 **PROPERTY;**

1 **(2) AFFECT AN INTEREST OR RIGHT OF A TRANSFEREE, EVEN IF THE**
2 **TRANSFEREE HAS ACTUAL OR CONSTRUCTIVE NOTICE OF THE DEED;**

3 **(3) AFFECT AN INTEREST OR RIGHT OF A SECURED OR UNSECURED**
4 **CREDITOR OR FUTURE CREDITOR OF THE TRANSFEROR, EVEN IF THE CREDITOR HAS**
5 **ACTUAL OR CONSTRUCTIVE NOTICE OF THE DEED;**

6 **(4) AFFECT THE ELIGIBILITY OF THE TRANSFEROR OR DESIGNATED**
7 **BENEFICIARY FOR A FORM OF PUBLIC ASSISTANCE;**

8 **(5) CREATE A LEGAL OR EQUITABLE INTEREST IN FAVOR OF THE**
9 **DESIGNATED BENEFICIARY; OR**

10 **(6) SUBJECT THE PROPERTY TO CLAIMS OF OR PROCESS BY A**
11 **CREDITOR OF THE DESIGNATED BENEFICIARY.**

12 **18-111.**

13 **(A) EXCEPT AS OTHERWISE PROVIDED IN THE TRANSFER-ON-DEATH DEED**
14 **OR IN THIS SECTION, ON THE DEATH OF THE TRANSFEROR, THE FOLLOWING RULES**
15 **APPLY TO PROPERTY THAT IS THE SUBJECT OF A TRANSFER-ON-DEATH DEED AND**
16 **OWNED BY THE TRANSFEROR AT DEATH:**

17 **(1) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE**
18 **INTEREST IN THE PROPERTY IS TRANSFERRED TO THE DESIGNATED BENEFICIARY**
19 **IN ACCORDANCE WITH THE DEED.**

20 **(2) (I) THE INTEREST OF A DESIGNATED BENEFICIARY IS**
21 **CONTINGENT ON THE DESIGNATED BENEFICIARY SURVIVING THE TRANSFEROR.**

22 **(II) THE INTEREST OF A DESIGNATED BENEFICIARY THAT FAILS**
23 **TO SURVIVE THE TRANSFEROR LAPSES.**

24 **(3) SUBJECT TO PARAGRAPH (4) OF THIS SUBSECTION, CONCURRENT**
25 **INTERESTS ARE TRANSFERRED TO THE BENEFICIARIES IN EQUAL AND UNDIVIDED**
26 **SHARES WITH NO RIGHT OF SURVIVORSHIP.**

27 **(4) IF THE TRANSFEROR HAS IDENTIFIED TWO OR MORE DESIGNATED**
28 **BENEFICIARIES TO RECEIVE CONCURRENT INTERESTS IN THE PROPERTY, THE**
29 **SHARE OF ONE THAT LAPSES OR FAILS FOR ANY REASON IS TRANSFERRED TO THE**
30 **OTHER, OR TO THE OTHERS IN PROPORTION TO THE INTEREST OF EACH IN THE**
31 **REMAINING PART OF THE PROPERTY HELD CONCURRENTLY.**

1 **(B) (1) SUBJECT TO TITLE 3 OF THE REAL PROPERTY ARTICLE, A**
2 **BENEFICIARY TAKES THE PROPERTY SUBJECT TO ALL CONVEYANCES,**
3 **ENCUMBRANCES, ASSIGNMENTS, CONTRACTS, MORTGAGES, LIENS, AND OTHER**
4 **INTERESTS TO WHICH THE PROPERTY IS SUBJECT AT THE DEATH OF THE**
5 **TRANSFEROR.**

6 **(2) FOR PURPOSES OF THIS SUBSECTION AND TITLE 3 OF THE REAL**
7 **PROPERTY ARTICLE, THE RECORDING OF THE TRANSFER-ON-DEATH DEED IS**
8 **DEEMED TO HAVE OCCURRED AT THE DEATH OF THE TRANSFEROR.**

9 **(C) A TRANSFER-ON-DEATH DEED IS EFFECTIVE IF THE TRANSFEROR IS A**
10 **JOINT OWNER AND IS:**

11 **(1) SURVIVED BY ONE OR MORE OTHER JOINT OWNERS, AND THE**
12 **PROPERTY THAT IS THE SUBJECT OF A TRANSFER-ON-DEATH DEED BELONGS TO**
13 **THE SURVIVING JOINT OWNER OR OWNERS WITH RIGHT OF SURVIVORSHIP; OR**

14 **(2) THE LAST SURVIVING JOINT OWNER.**

15 **(D) A TRANSFER-ON-DEATH DEED TRANSFERS PROPERTY WITHOUT**
16 **COVENANT OR WARRANTY OF TITLE EVEN IF THE DEED CONTAINS A CONTRARY**
17 **PROVISION.**

18 **18-112.**

19 **A BENEFICIARY MAY DISCLAIM ALL OR PART OF THE INTEREST OF THE**
20 **BENEFICIARY AS PROVIDED UNDER TITLE 9, SUBTITLE 2 OF THIS ARTICLE.**

21 **18-113.**

22 **(A) TO THE EXTENT THE PROBATE ESTATE OF THE TRANSFEROR IS**
23 **INSUFFICIENT TO SATISFY AN ALLOWED CLAIM AGAINST THE ESTATE OR A**
24 **STATUTORY ALLOWANCE TO A SURVIVING SPOUSE OR CHILD, THE ESTATE MAY**
25 **ENFORCE THE LIABILITY AGAINST PROPERTY TRANSFERRED AT THE DEATH OF THE**
26 **TRANSFEROR BY A TRANSFER-ON-DEATH DEED.**

27 **(B) IF MORE THAN ONE PROPERTY IS TRANSFERRED BY ONE OR MORE**
28 **TRANSFER-ON-DEATH DEEDS, THE LIABILITY UNDER SUBSECTION (A) OF THIS**
29 **SECTION IS APPORTIONED AMONG THE PROPERTIES IN PROPORTION TO THEIR NET**
30 **VALUES AT THE DEATH OF THE TRANSFEROR.**

1 (C) A PROCEEDING TO ENFORCE THE LIABILITY UNDER THIS SECTION
2 SHALL BE COMMENCED NOT LATER THAN 6 MONTHS AFTER THE DEATH OF THE
3 TRANSFEROR.

4 18-114.

5 IN APPLYING AND CONSTRUING THIS TITLE, A UNIFORM ACT, CONSIDERATION
6 SHALL BE GIVEN TO THE NEED TO PROMOTE UNIFORMITY OF THE LAW WITH
7 RESPECT TO THE SUBJECT MATTER OF THE TITLE AMONG THE STATES THAT ENACT
8 THE UNIFORM ACT.

9 18-115.

10 THIS TITLE MODIFIES, LIMITS, AND SUPERSEDES THE FEDERAL ELECTRONIC
11 SIGNATURES IN GLOBAL AND NATIONAL COMMERCE ACT, 15 U.S.C. SECTION 7001,
12 ET SEQ., BUT DOES NOT MODIFY, LIMIT, OR SUPERSEDE SECTION 101(C) OF THAT
13 ACT, 15 U.S.C. SECTION 7001(C), OR AUTHORIZE ELECTRONIC DELIVERY OF THE
14 NOTICES DESCRIBED IN SECTION 103(B) OF THAT ACT, 15 U.S.C. SECTION 7003(B).

15 18-116.

16 THIS TITLE MAY BE CITED AS THE MARYLAND UNIFORM REAL PROPERTY
17 TRANSFER-ON-DEATH (TOD) ACT.

18 **SUBTITLE 2. STATUTORY FORMS.**

19 18-201.

20 A DOCUMENT SUBSTANTIALLY IN THE FOLLOWING FORM MAY BE USED TO
21 CREATE A STATUTORY FORM TRANSFER-ON-DEATH DEED THAT HAS THE MEANING
22 AND EFFECT PRESCRIBED BY THIS TITLE:

23 (FRONT OF FORM)

24 **“REVOCABLE TRANSFER-ON-DEATH DEED**

25 **NOTICE TO OWNER**

26 YOU SHOULD CAREFULLY READ ALL INFORMATION ON THE OTHER SIDE OF
27 THIS FORM. YOU MAY WANT TO CONSULT A LAWYER BEFORE USING
28 THIS FORM.

1 THIS FORM MUST BE RECORDED BEFORE YOUR DEATH, OR IT WILL NOT BE
2 EFFECTIVE.

3 IDENTIFYING INFORMATION

4 OWNER OR OWNERS MAKING THIS DEED:

5 _____
6 PRINTED NAME MAILING ADDRESS

7 _____
8 PRINTED NAME MAILING ADDRESS

9 LEGAL DESCRIPTION OF THE PROPERTY:

10 _____

11 PRIMARY BENEFICIARY

12 I DESIGNATE THE FOLLOWING BENEFICIARY IF THE BENEFICIARY SURVIVES
13 ME.

14 _____
15 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

16 ALTERNATE BENEFICIARY – OPTIONAL

17 IF MY PRIMARY BENEFICIARY DOES NOT SURVIVE ME, I DESIGNATE THE
18 FOLLOWING ALTERNATE BENEFICIARY IF THE ALTERNATE BENEFICIARY SURVIVES
19 ME.

20 _____
21 PRINTED NAME MAILING ADDRESS, IF AVAILABLE

22 TRANSFER ON DEATH

23 AT MY DEATH, I TRANSFER MY INTEREST IN THE DESCRIBED PROPERTY TO
24 THE BENEFICIARIES AS DESIGNATED ABOVE.

25 BEFORE MY DEATH, I HAVE THE RIGHT TO REVOKE THIS DEED.

26 SIGNATURE OF OWNER OR OWNERS MAKING THIS DEED

1 _____
2 SIGNATURE

(SEAL) _____
DATE

3 _____
4 SIGNATURE

(SEAL) _____
DATE

5 **ACKNOWLEDGMENT**

6 (INSERT ACKNOWLEDGMENT FOR DEED HERE)”

7 (BACK OF FORM)

8 **“COMMON QUESTIONS ABOUT THE USE OF THIS FORM**

9 **WHAT DOES THE TRANSFER-ON-DEATH (TOD) DEED DO? WHEN**
10 **YOU DIE, THIS DEED TRANSFERS THE DESCRIBED PROPERTY, SUBJECT TO ANY**
11 **LIENS OR MORTGAGES (OR OTHER ENCUMBRANCES) ON THE PROPERTY AT YOUR**
12 **DEATH. PROBATE IS NOT REQUIRED. THE TOD DEED HAS NO EFFECT UNTIL YOU**
13 **DIE. YOU CAN REVOKE IT AT ANY TIME. YOU ARE ALSO FREE TO TRANSFER THE**
14 **PROPERTY TO SOMEONE ELSE DURING YOUR LIFETIME. IF YOU DO NOT OWN ANY**
15 **INTEREST IN THE PROPERTY WHEN YOU DIE, THIS DEED WILL HAVE NO EFFECT.**

16 **HOW DO I MAKE A TOD DEED? COMPLETE THIS FORM. HAVE IT**
17 **ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED**
18 **BY LAW TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN EACH COUNTY WHERE**
19 **ANY PART OF THE PROPERTY IS LOCATED. THE FORM HAS NO EFFECT UNLESS IT IS**
20 **ACKNOWLEDGED AND RECORDED BEFORE YOUR DEATH.**

21 **IS THE “LEGAL DESCRIPTION” OF THE PROPERTY NECESSARY?**
22 **YES.**

23 **HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY?**
24 **THIS INFORMATION MAY BE ON THE DEED YOU RECEIVED WHEN YOU BECAME AN**
25 **OWNER OF THE PROPERTY. THIS INFORMATION MAY ALSO BE AVAILABLE IN THE**
26 **OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY WHERE THE**
27 **PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.**

28 **CAN I CHANGE MY MIND BEFORE I RECORD THE TOD DEED? YES.**
29 **IF YOU HAVE NOT YET RECORDED THE DEED AND WANT TO CHANGE YOUR MIND,**
30 **SIMPLY TEAR UP OR OTHERWISE DESTROY THE DEED.**

31 **HOW DO I “RECORD” THE TOD DEED? TAKE THE COMPLETED AND**
32 **ACKNOWLEDGED FORM TO THE OFFICE OF THE CLERK OF THE CIRCUIT COURT FOR**

1 THE COUNTY WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS
2 GIVEN BY THE CLERK OF THE CIRCUIT COURT TO MAKE THE FORM PART OF THE
3 OFFICIAL PROPERTY RECORDS.

4 IF THE PROPERTY IS IN MORE THAN ONE COUNTY, YOU SHOULD RECORD THE
5 DEED IN EACH COUNTY.

6 CAN I LATER REVOKE THE TOD DEED IF I CHANGE MY MIND? YES.
7 YOU CAN REVOKE THE TOD DEED. NO ONE, INCLUDING THE BENEFICIARIES, CAN
8 PREVENT YOU FROM REVOKING THE DEED.

9 HOW DO I REVOKE THE TOD DEED AFTER IT IS RECORDED?
10 THERE ARE THREE WAYS TO REVOKE A RECORDED TOD DEED: (1) COMPLETE AND
11 ACKNOWLEDGE A REVOCATION FORM AND RECORD IT IN EACH COUNTY WHERE THE
12 PROPERTY IS LOCATED. (2) COMPLETE AND ACKNOWLEDGE A NEW TOD DEED THAT
13 DISPOSES OF THE SAME PROPERTY AND RECORD IT IN EACH COUNTY WHERE THE
14 PROPERTY IS LOCATED. (3) TRANSFER THE PROPERTY TO SOMEONE ELSE DURING
15 YOUR LIFETIME BY A RECORDED DEED THAT EXPRESSLY REVOKES THE TOD DEED.
16 YOU MAY NOT REVOKE THE TOD DEED BY WILL.

17 I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT
18 SHOULD I DO? DO NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP
19 FROM A TRUSTED FAMILY MEMBER, FRIEND, OR LAWYER.

20 DO I NEED TO TELL THE BENEFICIARIES ABOUT THE TOD DEED?
21 NO, BUT IT IS RECOMMENDED. SECRECY CAN CAUSE LATER COMPLICATIONS AND
22 MIGHT MAKE IT EASIER FOR OTHERS TO COMMIT FRAUD.

23 I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I
24 DO? THIS FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE
25 OTHER QUESTIONS, CONSULT A QUALIFIED LAWYER.”.

26 18-202.

27 A DOCUMENT SUBSTANTIALLY IN THE FOLLOWING FORM MAY BE USED TO
28 CREATE A STATUTORY FORM REVOCATION OF TRANSFER-ON-DEATH DEED THAT
29 HAS THE MEANING AND EFFECT PRESCRIBED BY THIS TITLE:

30 (FRONT OF FORM)

31 “REVOCATION OF TRANSFER-ON-DEATH DEED

32 NOTICE TO OWNER

1 THIS REVOCATION MUST BE RECORDED BEFORE YOU DIE OR IT WILL NOT BE
2 EFFECTIVE. THIS REVOCATION IS EFFECTIVE ONLY AS TO THE INTERESTS IN THE
3 PROPERTY OF OWNERS WHO SIGN THIS REVOCATION.

4 IDENTIFYING INFORMATION

5 OWNER OR OWNERS OF PROPERTY MAKING THIS REVOCATION:

6 _____
7 PRINTED NAME MAILING ADDRESS

8 _____
9 PRINTED NAME MAILING ADDRESS

10 LEGAL DESCRIPTION OF THE PROPERTY:

11 _____

12 REVOCATION

13 I REVOKE ALL MY PREVIOUS TRANSFERS OF THIS PROPERTY BY
14 TRANSFER-ON-DEATH DEED.

15 SIGNATURE OF OWNER OR OWNERS MAKING THIS REVOCATION

16 _____ (SEAL) _____
17 SIGNATURE DATE

18 _____ (SEAL) _____
19 SIGNATURE DATE

20 ACKNOWLEDGMENT

21 (INSERT ACKNOWLEDGMENT HERE)”

22 (BACK OF FORM)

23 “COMMON QUESTIONS ABOUT THE USE OF THIS FORM

24 HOW DO I USE THIS FORM TO REVOKE A
25 TRANSFER-ON-DEATH (TOD) DEED? COMPLETE THIS FORM. HAVE IT
26 ACKNOWLEDGED BEFORE A NOTARY PUBLIC OR OTHER INDIVIDUAL AUTHORIZED

1 **TO TAKE ACKNOWLEDGMENTS. RECORD THE FORM IN THE PUBLIC RECORDS IN THE**
2 **OFFICE OF THE COUNTY RECORDER OF DEEDS OF EACH COUNTY WHERE THE**
3 **PROPERTY IS LOCATED. THE FORM MUST BE ACKNOWLEDGED AND RECORDED**
4 **BEFORE YOUR DEATH OR IT HAS NO EFFECT.**

5 **HOW DO I FIND THE “LEGAL DESCRIPTION” OF THE PROPERTY?**
6 **THIS INFORMATION MAY BE ON THE TOD DEED. IT MAY ALSO BE AVAILABLE IN THE**
7 **OFFICE OF THE COUNTY RECORDER OF DEEDS FOR THE COUNTY WHERE THE**
8 **PROPERTY IS LOCATED. IF YOU ARE NOT ABSOLUTELY SURE, CONSULT A LAWYER.**

9 **HOW DO I “RECORD” THE FORM? TAKE THE COMPLETED AND**
10 **ACKNOWLEDGED FORM TO THE OFFICE OF THE COUNTY RECORDER OF DEEDS OF**
11 **THE COUNTY WHERE THE PROPERTY IS LOCATED. FOLLOW THE INSTRUCTIONS**
12 **GIVEN BY THE COUNTY RECORDER TO MAKE THE FORM PART OF THE OFFICIAL**
13 **PROPERTY RECORDS. IF THE PROPERTY IS LOCATED IN MORE THAN ONE COUNTY,**
14 **YOU SHOULD RECORD THE FORM IN EACH OF THOSE COUNTIES.**

15 **I AM BEING PRESSURED TO COMPLETE THIS FORM. WHAT**
16 **SHOULD I DO? DO NOT COMPLETE THIS FORM UNDER PRESSURE. SEEK HELP**
17 **FROM A TRUSTED FAMILY MEMBER, FRIEND, OR LAWYER.**

18 **I HAVE OTHER QUESTIONS ABOUT THIS FORM. WHAT SHOULD I**
19 **DO? THIS FORM IS DESIGNED TO FIT SOME BUT NOT ALL SITUATIONS. IF YOU HAVE**
20 **OTHER QUESTIONS, CONSULT A QUALIFIED LAWYER.”.**

21 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall be construed to
22 apply only to a transfer-on-death deed made before, on, or after the effective date of this
23 Act by a transferor dying on or after the effective date of this Act.

24 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
25 October 1, 2015.